



# GIS Tracking Sheet

Case No.: DC12006-00089

Intake Date: 10/20/06

Project Name: Villas at Hidden Harbor Marina

STRAP Number(s): 1846-25-00-00020.0100  
1846-25-00-00020.0110

Planner Name: Bryan K. Ext. 8363

## LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 3/7/07

INTAKE: DC106089

LEGAL SUFFICIENT

YES

NO

Initials: CSJ

If not, give brief explanation:

## MAP UPDATE following FINAL ACTION

Date:

Hearing Examiner Decision

Board of County Commissioner's Resolution

Administrative Approval

Blue Sheet

Zoning Notes:

10/15/08

MAP UPDATED

YES

NO

Initials: CSJ

If not, give brief explanation:

ZONE: AG:2:600978

ZONE: CM: 001093

03-0137  
LSM/KT

# Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard  
Fort Myers, Florida 33919-5910  
email - fmoffice@bwk.net  
(Ph) 239-481-1331 (Fax) 239-481-1073



## Description

Parcel in  
Section 18, Township 46 South, Range 25 East  
Lee County, Florida

A tract or parcel of land lying in Section 18, Township 46 South, Range 25 East, Lee County, Florida, being further described as follows:

From the intersection of the north line of the South One Quarter of the Northwest Quarter of the Northwest Quarter of said Section 18 and the centerline of Creek Drive 50 feet wide run SOUTH along the centerline of Creek Drive for 630.00 feet; thence run N70°22'20"W parallel with the north line of said fraction of a section for 319.00 feet; thence run SOUTH parallel with the centerline of Creek Drive for 248.30 feet to the Point of Beginning.

From said Point of Beginning continue SOUTH for 0.70 feet; thence run WEST for 108.10 feet; thence run SOUTH for 235.12 feet to an intersection with the south line of a public road as described in Deed Book 276 beginning at Page 103 of the Lee County Public Records; thence run WEST along the south line of said road for 190.00 feet; thence run SOUTH for 350.85 feet to an intersection with the south line of the Northwest Quarter of said Section 18; thence run S77°35'20"E along said south line for 327 feet, more or less, to the waters of Mullock Creek; thence run northeasterly along said waters for 132 feet, more or less, to an intersection with a line parallel with and 1077.96 feet east of the west line of said Section 18; thence run N00°02'11"W for 204.01 feet; thence run N89°32'57"W for 55.37 feet; thence run N00°06'21"E for 159.36 feet; thence run N89°42'01"E for 19.31 feet; thence run N00°04'08"E for 89.06 feet; thence run S89°58'47"E for 60.58 feet; thence run N00°17'15"W for 65.86 feet; thence run EAST for 110.66 feet to an intersection with the west line of said Creek Drive 50 feet wide; thence run NORTH along said west line for 80.52 feet; thence run west for 275.47 feet to the Point of Beginning.

Containing 5.26 acres, more or less.

Bearings hereinabove mentioned based on the centerline of Creek Drive to bear north.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

DCI 2006-00089

25879DESC1 9-29-05  
**RECEIVED**  
OCT 20 2006

W. Britt Pomeroy, Jr., R.L.S. 4448

Applicant's Legal Checked  
by CSJ 10/27/06

Page 1 of 2



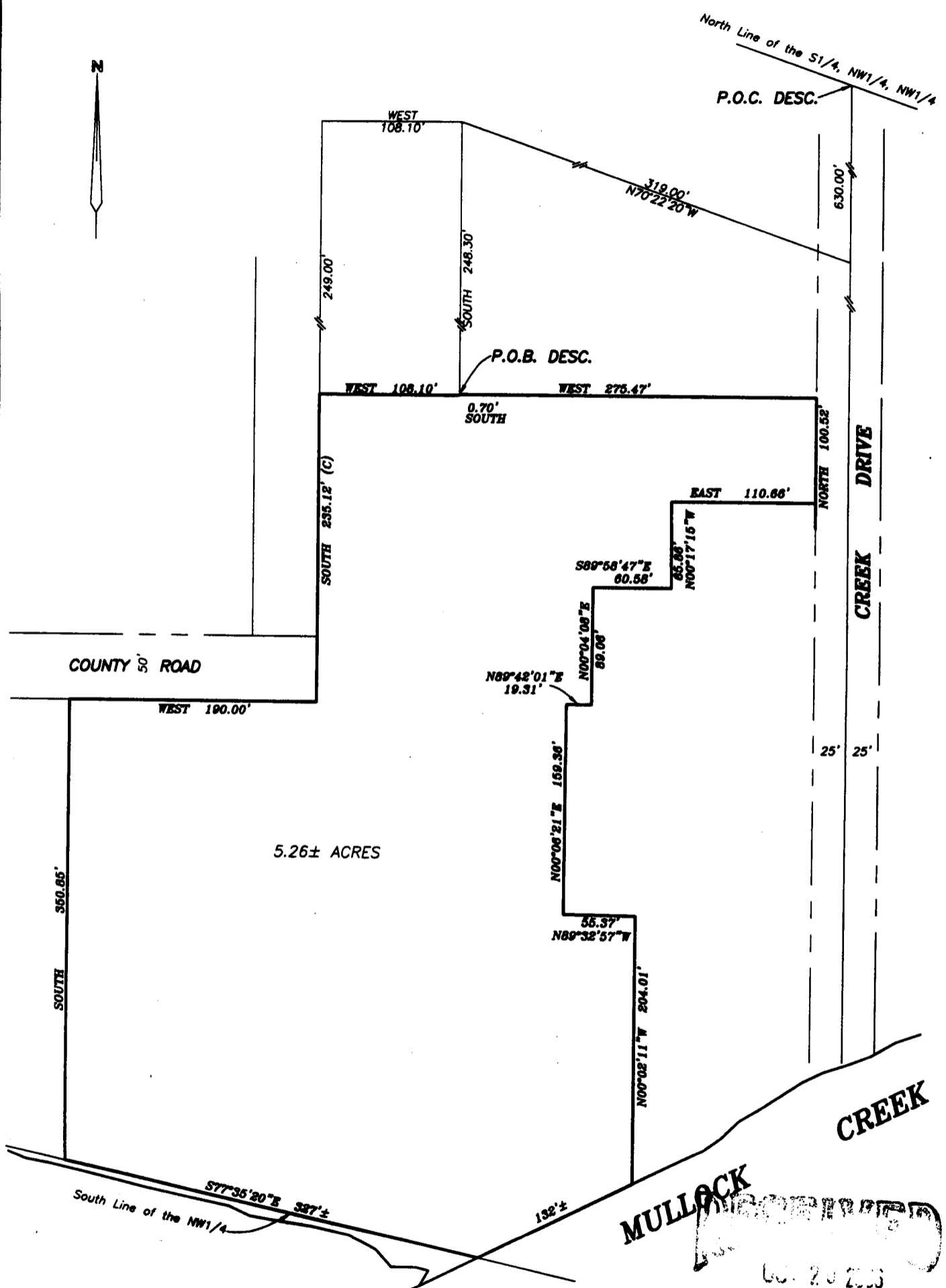
### COMMUNITY DEVELOPMENT

PRINCIPALS:  
WILLIAM E. BEAN, PSM, CHAIRMAN  
SCOTT C. WHITAKER, PSM, PRESIDENT  
JOSEPH L. LUTZ, PSM  
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

ASSOCIATES:  
TRACY N. BEAN, AICP  
W. BRITT POMEROY, JR., PSM  
STEPHEN H. SKORUPSKI, PSM  
ELWOOD FINEFIELD, PSM  
JAMES A. HESSLER, PSM  
JAMES R. COLEMAN, PSM  
RUDOLF A. NORMAN, PE

**SKETCH TO ACCOMPANY DESCRIPTION  
PARCEL IN  
SECTION 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA**



**THIS IS NOT A SURVEY**

**Applicant's Legal Checked**  
by 10/27/06

**MULLOCK**  
COMMUNITY DEVELOPMENT

*W. Britt Pomeroy, Jr.*  
W. BRITT POMEROY, JR.  
Professional Land Surveyor  
Florida Certificate No. 4448

DCI 2006-00089

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)				
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS				
12041-1 MCCORROR BOULEVARD, FORT MYERS, FLORIDA 33910-8910 (239) 481-1331				
SK35872-0A.DWG				
DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET
9-29-05	35872	WBP	1" = 100'	2 OF 2
				FILE NO. (S-T-R)
				18-46-25

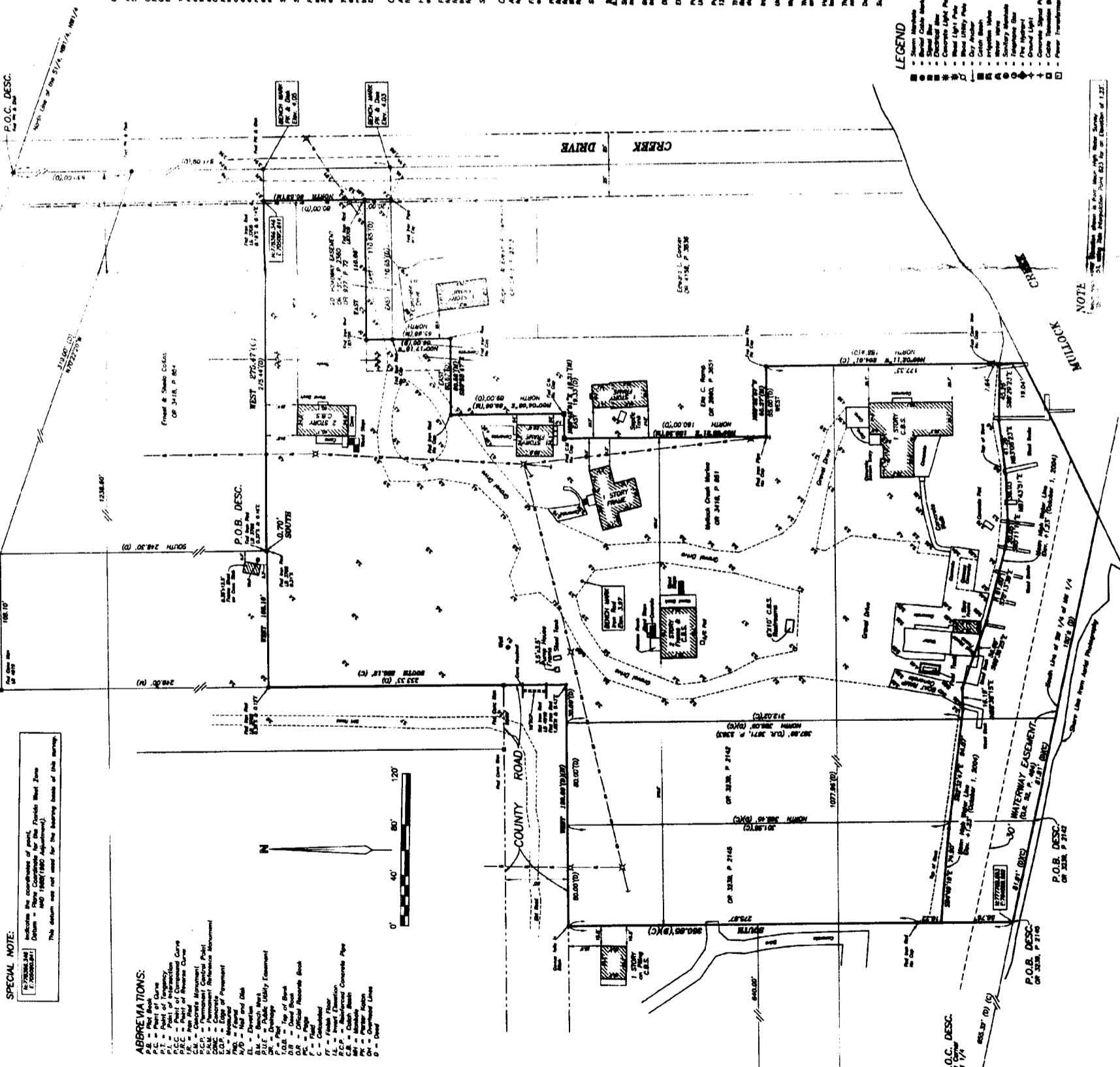
# SURVEY PLAT

OF  
A PARCEL OF LAND  
LYING IN

SECTION 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

**SPECIAL NOTE:**  
Indicates the coordinates of each  
Point in Feet and Meters for the Florida State Plane  
Datum - 1983 (NAD 83) Adjustment.  
This datum is not used for the bearing lines of this plat.

**ABBREVIATIONS:**  
P.C. = Point of Curvature  
P.T. = Point of Tangency  
P.I.C. = Point of Intersection  
P.O.B. = Point of Beginning  
P.O.C. = Point of Commencement  
P.O.D. = Point of Discontinuity  
P.O.E. = Point of Easement  
P.O.F. = Point of Fixation  
P.O.G. = Point of Grievance  
P.O.H. = Point of Height  
P.O.I. = Point of Intersection  
P.O.L. = Point of Location  
P.O.M. = Point of Measurement  
P.O.N. = Point of Notation  
P.O.P. = Point of Possession  
P.O.R. = Point of Reference  
P.O.S. = Point of Station  
P.O.T. = Point of Tangency  
P.O.V. = Point of View  
P.O.W. = Point of Width  
P.O.X. = Point of Extension  
P.O.Y. = Point of Yield  
P.O.Z. = Point of Zero  
P.O.∞ = Point of Infinity  
P.O.0 = Point of Origin  
P.O.1 = Point of One  
P.O.2 = Point of Two  
P.O.3 = Point of Three  
P.O.4 = Point of Four  
P.O.5 = Point of Five  
P.O.6 = Point of Six  
P.O.7 = Point of Seven  
P.O.8 = Point of Eight  
P.O.9 = Point of Nine  
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P.O.5 = Point of Five  
P.O.6 = Point of Six  
P.O.7 = Point of Seven  
P.O.8 = Point of Eight  
P.O.9 = Point of Nine  
P.O.∞ = Point of Infinity



**NOTE:**  
This plat is subject to all laws, rules and regulations of the State of Florida relating to the practice of Surveying and Mapping, and to the rules and regulations of the Board of Surveying and Mapping, State of Florida.

**DESCRIPTION:**  
A parcel of land bounded by the north-south line of the southeast quarter of Section 18, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as follows:  
Commencing at the point of intersection of the north-south line of the southeast quarter of Section 18, Township 46 South, Range 25 East, Lee County, Florida, with the east-southwest line of the southeast quarter of Section 18, Township 46 South, Range 25 East, Lee County, Florida, and running north 89° 51' 14\"/>

**O.R. 3238, P. 2145**  
A tract or parcel of land lying in the Southeast Quarter of Section 18, Township 46 South, Range 25 East, which tract or parcel is described as follows:  
From the Southeast corner of said tract or parcel, following the line of the southeast quarter of Section 18, Township 46 South, Range 25 East, for a distance of 100 feet, to a point on the east-southwest line of said tract or parcel; then north 89° 51' 14\"/>

**O.R. 3238, P. 2142**  
A tract or parcel of land lying in the Southeast Quarter of Section 18, Township 46 South, Range 25 East, which tract or parcel is described as follows:  
From the Southeast corner of said tract or parcel, following the line of the southeast quarter of Section 18, Township 46 South, Range 25 East, for a distance of 100 feet, to a point on the east-southwest line of said tract or parcel; then north 89° 51' 14\"/>

**NOTES:**  
Survey made in accordance with the provisions of Chapter 348, Florida Statutes, and the rules and regulations of the Board of Surveying and Mapping, State of Florida.  
The plat is subject to all laws, rules and regulations of the State of Florida relating to the practice of Surveying and Mapping, and to the rules and regulations of the Board of Surveying and Mapping, State of Florida.  
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**LEGEND:**  
• Survey Markers  
• Surveyed Corner  
• Surveyed Point  
• Surveyed Line  
• Surveyed Area  
• Surveyed Easement  
• Surveyed Encumbrance  
• Surveyed Right-of-Way  
• Surveyed Boundary  
• Surveyed Property

**MULLOCK CREEK MARINA**  
Bean, Whitaker, Lutz & Karch, Inc. as agent  
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS  
1941-1 MICHOE BOLLINGER PORT AVENUE, FLORIDA 32909-0010 (351) 481-1331

**BEAN, WHITAKER, LUTZ & KARCH, INC.**  
Professional Seal  
Application for Surveying and Mapping License  
No. 02-31760

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1941-1 MICHOE BOLLINGER PORT AVENUE, FLORIDA 32909-0010 (351) 481-1331

# APPLICATION FOR PUBLIC HEARING FOR UNINCORPORATED AREAS ONLY

**Applicant's Name:** Hidden Harbor Marina Venture, LLC  
**Project Name:** Villas at Hidden Harbor Marina  
**STRAP Number(s):** 18-46-25-00-00020.0100, 18-46-25-00-00020.0110

### TYPE OF APPLICATION

- Special Exception (attach Supplement A)
- Variance (attach Supplement B)
- Conventional Rezoning (attach Supplement C)
- Planned Development (not PRFD) (attach Supplement D)
- Amendment to built Planned Development (Supplement D may be required)
- Private Recreational Facilities Planned Development (attach Supplement D)
- Extension of Master Concept Plan (attach Supplement E)
- Reinstatement of Master Concept Plan (attach Supplement F)
- DRI - with rezoning (submit completed DRI Application Form (do not use this form) and Supplement D)
- DRI - without rezoning (submit completed DRI Application Form (do not use this form))

Is this project located in the Estero Planning Community, or the Captiva Planning Community or in the Caloosahatchee Shores Planning Community?

Yes\*  No \*If YES, please note PARTS 4.G, 4.H and 4.I below for meeting summary document requirements.

\*\*\*\*\*  
**STAFF USE ONLY**

Case Number: DC12006-00089 Commission District: 3  
Current Zoning: AG-2, CM Fee Amount: 5,000.00  
Land Use Classification: Urban Comm / Retail take by: [Signature]  
Planning Community: San Carlos

\*\*\*\*\*  
**LEE COUNTY  
COMMUNITY DEVELOPMENT  
P.O. BOX 398 (1500 MONROE STREET)  
FORT MYERS, FLORIDA 33902  
PHONE (941) 479-8585**

**PART 1  
APPLICANT/AGENT INFORMATION**

**A. Name of Applicant:** Hidden Harbor Marina Venture, LLC  
**Address: Street:** 2715 East Oakland Park Boulevard, Suite 201  
**City:** Fort Lauderdale **State:** Florida **Zip:** 33306  
**Phone: Area Code:** (954) **Number:** 563-7090 **Ext:** \_\_\_\_\_  
**Fax: Area Code:** (954) **Number:** 563-3483  
**E-mail address:** johnlesousky@attglobal.net

**B. Relationship of applicant to owner (check one):**

- Applicant (including an individual or husband & wife) is the sole owner of the property.**  
[34-201(a)(1)a.1.]
- Notarized Affidavit of Authorization form is attached as Exhibit PH-1-B.2.**  
(See Part 1 Exhibit Form A1 attached hereto for suggested Affidavit Form for an individual.) [34-202(b)(1)c.]
- N/A Applicant has been authorized by the owner(s) to represent them for this action.**
- N/A Notarized Affidavit of Authorization form is attached as Exhibit PH-1-B.2.**  
(Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.) [34-202(b)(1)c.]
- N/A Applicant is a contract purchaser/vendee.** [34-202(b)(1)d.]
- N/A Notarized Affidavit of Authorization form is attached as Exhibit PH-1-B.2.**  
[34-202(b)(1)c.] Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.)
- N/A Application is County initiated. BOCC authorization is attached as Exhibit PH-1.B.3.**

**C. Authorized Agent: Name of the person who is to receive all county-initiated correspondence regarding this application.** [34-202(b)(1)c.]

**C.1 Company Name:** Gary F. Muller, AICP  
**Contact Person:** Gary Muller  
**Address: Street:** 1482 Argyle Drive  
**City:** Fort Myers **State:** Florida **Zip:** 33919  
**Phone: Area Code:** (239) **Number:** 939-0111 **Ext:** \_\_\_\_\_  
**Fax: Area Code:** (239) **Number:** 939-0611  
**E-mail address:** gfmuller@comcast.net

**C.2**  **Additional Agent(s): The names of other agents that the county may contact concerning this application are attached as Exhibit PH-1.C.2.** [34-202(b)(1)c.]

**PART 2  
PROPERTY OWNERSHIP**

**A. Property Ownership: Single owner (individual or husband & wife only) [34-201(a)(1)a.1.]**

**A.1 Name:** N/A

Address: Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_ Ext: \_\_\_\_\_

Fax: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

**B. Property Ownership: Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1)]**

**B.1**  X  Disclosure Form is attached as Exhibit PH-2.B.1. [34-202(b)(2)]

**C. Multiple Parcels**

**C.1**  X  Property owners list is attached as Exhibit PH-2.C.1. [34-202(a)(5)]

**C.2**  X  Property owners map is attached as Exhibit PH-2.C.2. [34-202(a)(5)]

**D.** Date property was acquired by present owner(s): \_\_\_\_\_

**PART 3  
PROPERTY INFORMATION**

**A. STRAP Number(s)** 18-46-25-00-00020.0100 18-46-25-00-00020.0110  
\_\_\_\_\_  
\_\_\_\_\_

**B. Street Address of Property:** 18501 Mullock Creek Lane Fort Myers, FL 33908  
18471 Pioneer Road Fort Myers, FL 33908

**C. Legal Description**

X  Legal description (on 8 1/2" by 11" paper) is attached as Exhibit PH-3.C.1. [34-202(a)(1)]

X  Sealed sketch of the legal description is attached as Exhibit PH-2.C.2. [34-202(a)(1)]

X  Electronic version of the legal description is attached as Exhibit PH-2.C.3.

**D. Boundary Survey**

X  A Boundary survey, tied to the state plane coordinate system, is attached as Exhibit PH-3.D.3. [34-202(a)(1)]

N/A  The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as Exhibit PH-3.D.1. [34-202(a)(2)]

**E. Planning Community:** San Carlos

**F. General Location of Property:**

F.1  X  **Area location map** (for all applications other than Planned Developments) is attached as **Exhibit PH-3.F.** [34-202(a)(4)] (Note: for Planned Development Applications see Supplement D)

F.2 **Directions to property:** \_\_\_\_\_

Take U.S. 41 south. Approximately 1 mile south of Alico Road, turn west on Park Road. Continue west for approximately ¼ mile and turn south on Creek Drive. Continue south for approximately ¼ mile and turn west onto Mullock Creek Lane.

**G. Surrounding property owners:**

G.1  X  **List of surrounding property owners** is attached as **Exhibit PH-3.G.1.** [34-202(a)(6)]

G.2  X  **Map of surrounding property owners** is attached as **Exhibit PH-2.G.2.** [34-202(a)(7)]

G.3  X  **2 sets of mailing labels** are attached as **Exhibit PH-2.G.3.** [34-202(a)(6)]

H. **Current Zoning of Property:**  AG-2 & CM

**I. Current Use of Property:**

I.1  X  **Current use(s) of the property are:**

The property has been previously developed with 5 single family residences and a marina building with a boat ramp. All existing structures, except for the boat ramp, will be removed.

I.2  X  If buildings or structures exist on the property, an affidavit is required stating that buildings & structures will be removed or that the proposed use of buildings, structures and land is or will be in compliance with all requirements of the LCLDC. Attach as **Exhibit PH-3.I.2** and entitle **"Affidavit Regarding Proposed Use"**. [34-202(b)(3)]

I.3  N/A  If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit is attached as **Exhibit PH-3.I.3** and entitled **"Agricultural Uses at Time of Zoning Application"**. [34-202(b)(7)]

**J. Land Use Classification:**

<u> Urban Community </u>	<u> 5.31 </u>	<u> Acres </u>	<u> 100 </u>	<u> % of total </u>
_____	_____	Acres	_____	% of total
_____	_____	Acres	_____	% of total
_____	_____	Acres	_____	% of total

**K. Flood Hazard** (write N/A if not applicable) [34-202(a)(8)]

X  The property is within an Area of Special Flood Hazard as indicated on the Flood Insurance Rate Maps (FIRM)s.

X  The minimum elevation required for the first habitable floor is  11 feet  NGVD (MSL)

**L. Deed Restrictions**

- L.1   X   There are no deed restrictions or other covenants on this property that affect this request.
- L.2   N/A   Deed restrictions\covenants that may affect this request are attached as Exhibit PH-3.L.2.
- L.3   N/A   A narrative explanation as to how the deed restrictions or covenants may affect this request is attached as Exhibit PH-3.L.3. [34-202(b)(2)]

**M. Property Dimensions [34-201(a)(8)]**

1. Width (average if irregular parcel):	<u>  590±  </u>	Feet (average)
2. Depth (average if irregular parcel):	<u>  392 ±  </u>	Feet (average)
3. Total area:	<u>  5.31 ±  </u>	Acres
4. Frontage on road or street:	<u>  100 ±  </u>	Feet on <u>  Creek Drive  </u>
2 <sup>nd</sup> Frontage on road or street:	<u>  423 ±  </u>	Feet on <u>  Pioneer Road  </u>

**PART 4  
ACTION REQUESTED**

**A. Action Requested [check applicable action(s)]**

- N/A   Special Exception for \_\_\_\_\_ Attached is Supplement A
- N/A   Variance for \_\_\_\_\_ Attached is Supplement B
- N/A   Conventional Rezoning from \_\_\_\_\_ to \_\_\_\_\_ Attached is Supplement C
- N/A   Planned Development Rezoning from   AG-2 & CM   to   RPD
- N/A   DCI - Major: Attached is Supplement D
- X   DCI - Minor: Attached is Supplement D
- N/A   Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area Attached is Supplement D
- N/A   Planned Development Amendment. Attached is Supplement D

**B. Excavations**

- X   No blasting will be used in the excavation of lakes or other site elements.
- N/A   If blasting is proposed, information regarding proposed blasting (including soil borings, a map indicating the general location of the proposed blasting, and other required information) is attached as Exhibit PH-4.B. [34-202(b)(6)]

**C. Bonus Density (put N/A if not applicable)**

- N/A   Bonus Density will be used. Attached is Exhibit PH-4.C showing calculations. [34-202(b)(5)]

**D. Hazardous Materials (put N/A if not applicable)**

- N/A   A Hazardous materials emergency plan is attached as Exhibit PH-4.D. [34-202(b)(4)]

**E. Mobile Home park (put N/A if not applicable)**

- N/A   Request includes rezoning of a Mobile Home Park. Attached is Exhibit PH-4.E. [34-2031(d)]

**F. Aviation Hazard (put N/A if not applicable)**

- N/A Property is subject to Airport Hazard District Regulations. Attached is Exhibit PH-4.F. [34-1001]
- N/A A tall structures permit will be required.
- N/A Property is located within Noise zone: \_\_\_\_\_

**G. Estero Planning Community (put N/A if not applicable)**

- N/A A summary of public informational session. Attached is Exhibit PH-4.G. [34-373(a)(10)]

**H. Captiva Planning Community (put N/A if not applicable)**

- N/A A summary of public informational session. Attached is Exhibit PH-4.H. [Lee Plan Policy 21.7]

**I. Caloosahatchee Shores Planning Community (put N/A if not applicable)**

- N/A A summary of public informational session. Attached is Exhibit PH-4.I. [Lee Plan Policy 21.6.3]

**J. Waivers from Application Submission Requirements: The following waivers have been approved by the Director of Zoning Services and are attached as Exhibit PH-4.I [34-202(a)]**

Section Number	Name of Item
<u>N/A</u>	<u>N/A</u>
_____	_____
_____	_____
_____	_____

**K. Potable Water & Central Sewer: Will the project be connected to potable water and central sewer as part of the development of the property?  X  YES. \_\_\_\_\_ NO.**

**If the answer is NO, please explain why the connection to potable water and/or central sewer is not planned. Label explanation as Exhibit D-6-D.**

**If the answer is YES, please indicate the name of the Utility to which the connection(s) are proposed.**

potable water:  Lee County Utilities   
 central sewer:  Lee County Utilities

**PART 6  
SUBMITTAL REQUIREMENTS**

THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. TO BE SUBMITTED FOR EACH OF THE FOLLOWING EXHIBITS IS AS FOLLOWS:

NUMBER OF COPIES*			EXHIBIT NUMBER	SUBMITTAL ITEMS
Var.	Conv. Rez. or Spe. Exc.	PD's		
1	1	14 ✓		Completed application for Public Hearing [34-201(b)]
1	1	1 ✓		Filing Fee [34-202(a)(9)]
Var.	Conv. Rez. or Spe. Exc.	PD's	SUP	SUPPLEMENTAL FORMS (select applicable request/form)
0	1	0	SUP A	Special Exception request
1	0	0	SUP B	Variance request
0	1	0	SUP C	Conventional Rezoning request
0	0	14 ✓	SUP D	Planned Development Rezoning request
0	0	14 N/A	SUP D	Planned Development Amendment request
0	0	14 N/A	SUP D	PRFPD in an Overlay Area Rezoning request
0	0	8 N/A	SUP E	Master Concept Plan Extension request
0	0	8 N/A	SUP F	Master Concept Plan Reinstatement request
Var.	Conv. Rez. or Spe. Exc.	PD's	EXHIBIT NUMBER	SUBMITTAL ITEMS
1	1	3	PH-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
1	1	1	PH-1.B.3	BOCC authorization (if applicable)
1	1	14	PH-1.C.2	Additional Agents
1	1	3	PH-2.B.1	Disclosure Form [34-201(b)(2)a]
1	1	3 ✓	PH-2.C.1	Subject Property Owners List (if applicable) [34-202(a)(5)]
1	1	3 ✓	PH-2.C.2	Subject Property Owners Map (if applicable) [34-202(a)(5)]
1	1	14 ✓	PH-3.A.1	List of STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
2	2	5 ✓	PH-3.C.1	Legal Description [34-202(a)(1)]
2	2	5 ✓	PH-3.C.2	Sealed Sketch of Legal Description [34-202(a)(1)]
1	1	1 N/A	PH-3.C.3	Electronic Version of Legal Description (if available)
1	1	5 ✓	PH-3.D.1	Boundary Survey (tied to State Plane Coordinate System) [34-202(a)(2)] {NOTE: This is a required submittal for all Planned Development Applications (see Supplement D for that requirement)} [34-373(a)(4)a]
1	1	N/A	PH-3.D.2	Plat Copy of Book (if applicable) [34-202(a)(1)]
1	1	0 N/A	PH-3.F	Area Location Map on 8 1/2 x 11 paper [34-202(a)(4)]
0	0	14 ✓		Area Location Map for Planned Developments - see Supplement D
1	1	3 ✓	PH-3.G.1	List of Surrounding Property Owners [34-202(a)(6)]

NUMBER OF COPIES*			EXHIBIT NUMBER	SUBMITTAL ITEMS
Var.	Conv. Rez. or Spe. Exc.	PD's		
1	1	3 ✓	PH-3.G.2	Map of Surrounding Property Owners [34-202(a)(7)]
2	2	2 ✓	PH-3.G.3	Mailing Labels [34-202(a)(6)]
1	1	3	PH-3.I.2	Affidavit Regarding Proposed Use (if applicable) [34-202(b)(3)]
1	1	3 <del>WA</del>	PH-3.I.3	Affidavit entitled "Agricultural Uses at Time of Zoning Application" (if applicable) [34-202(b)(7)]
1	1	3 <del>WA</del>	PH-3.L.2	Deed Restrictions\Covenants (if applicable) [34-202(b)(2)]
1	1	3 <del>WA</del>	PH-3.L.3	Narrative addressing effect of Deed Restrictions [34-202(b)(2)]
1	1	14		Completed Supplement Form appropriate to the action requested (see Supplemental Forms above)
1	1	14 <del>WA</del>	PH-4.B	Information Regarding Proposed Blasting (if applicable) [34-202(b)(6)]
0	0	4 <del>WA</del>	PH-4.C	Bonus Density Units (if applicable) [34-202(b)(5)]
1	1	4 <del>WA</del>	PH-4.D	Hazardous Materials Emergency Plan (if applicable) [34-203(b)(4)]
1	1	4 <del>WA</del>	PH-4.E	Mobile Home Park Information (if applicable) [34-203(d)]
1	1	4 <del>WA</del>	PH-4.F	Aviation Hazard (if applicable) [34-101 et seq]
0	0	4 <del>WA</del>	PH-4.G	Summary of Public Informational Session for Planned Development Applications located within Estero Planning Community [34-373(a)(10); Lee Plan Policy 19.5.3]
1	1	4 <del>WA</del>	PH-4.H	Summary of Public Informational Session for Rezoning, Special Exception and Variance Applications located within Captiva Planning Community [Lee Plan Policy 13.1.7]
0	0	4 <del>WA</del>	PH-4.I	Summary of Public Informational Session for Planned Development Applications located within Caloosahatchee Shores Planning Community [Lee Plan Policy 19.5.3]
1	1	14 <del>WA</del>	PH-4.J	Approved Waivers (if applicable) [34-202(a)]
0	0	4 <del>WA</del>	PH-4.K	Potable Water & Central Sewer. If the answer to Item 6.D was NO, an explanation must be attached providing the reason(s) why connection to potable water and central sewer system is not proposed as part of any development of the parcel subject to the rezoning request. [BOCC POLICY]

\* At least one copy must be an original.

PART V AFFIDAVIT A2  
(EXHIBIT PH-1.B.2)

AFFIDAVIT FOR PUBLIC HEARING  
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY(LLC), LIMITED  
COMPANY (LC), LIMITED PARTNERSHIP, OR TRUSTEE

I, JOHN LESOSKY as Managing Member of  
Hidden Harbor Marina Venture LLC, swear or affirm under oath that I am the owner or  
authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Hidden Harbor Marina Venture LLC  
\*Name of Entity (corporation, partnership, LLP, LC, etc.)

[Signature]  
Signature

John Lesosky  
Typed or printed name

Managing Member  
(title of signatory)

STATE OF Florida  
COUNTY OF Franklin

The foregoing instrument was certified and subscribed before me this 8 day of Sept.  
2006, by John Lesosky, who is personally known to me or who has  
produced license as identification.

[Signature]  
Name typed, printed or stamped

Signature of person taking oath or affirmation

Title or rank



- \*Notes:
- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
  - If the applicant is a Limited Liability Company (LLC) or Limited Company (LC), then the documents should typically be signed by the Company's "Managing Member."
  - If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
  - If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
  - If the applicant is a trustee, then they must include their title of "trustee".
  - In each instance, first determine the applicant's status, eg., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

DCI 2006-00089

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**EXHIBIT PH-2.B.1  
DISCLOSURE OF INTEREST FORM FOR:**

**STRAP NO.** 18-46-25-00-00020.0100, 18-46-25-00-00020.0110

**CASE NO.** \_\_\_\_\_

1. If the property is owned in fee simple by an **INDIVIDUAL**, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____

2. If the property is owned by a **CORPORATION**, list the officers and stockholders and the percentage of stock owned by each.

Name, Address, and Office	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

3. If the property is in the name of a **TRUSTEE**, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

4. If the property is in the name of a **GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP**, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
_____	_____
<b>Hidden Harbor Marina Venture, LLC</b>	_____
_____	_____
<b>Hidden Harbor Investors</b>	<b>20.0%</b>
<b>S.G. Investments, Inc.</b>	<b>32.5%</b>
<b>Pinnacle Construction of Fort Lauderdale, Inc.</b>	<b>32.5%</b>
<b>Galleria Properties, Inc.</b>	<b>15.0%</b>

5. If there is a **CONTRACT FOR PURCHASE**, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address, & Office (if applicable)

Percentage of Stock

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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 \_\_\_\_\_  
 \_\_\_\_\_

Date of Contract: \_\_\_\_\_

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: \_\_\_\_\_

*[Handwritten Signature]*

(Applicant)

*John Lesorsky*  
 \_\_\_\_\_  
 (Printed or typed name of applicant)

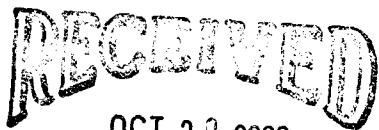
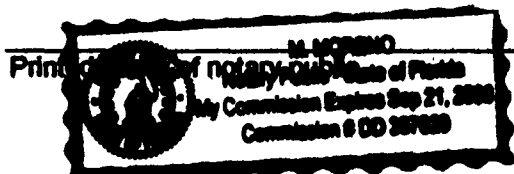
STATE OF Florida  
 COUNTY OF Broward

The foregoing instrument was certified and subscribed before me this 8 day of Sept. 2006, by John Lesorsky, who is personally known to me or has produced as License identification.

*[Handwritten Signature]*  
 \_\_\_\_\_

Signature of notary public

(SEAL)



COMMUNITY DEVELOPMENT  
 DCI 2006-00089

**EXHIBIT PH-1.C.2  
ADDITIONAL AGENTS**

**Company Name:** David Douglas Associates, Inc.

**Contact Person:** Steve Hurley

**Address: Street:** 1821 Victoria Avenue

**City:** Fort Myers **State:** Florida **Zip:** 33901

**Phone: Area Code:** (239) **Number:** 337-3330 **Ext:** \_\_\_\_\_

**Fax: Area Code:** (239) **Number:** 337-1236

**E-mail address:** sh@ddai-engineers.com

**Company Name:** Environmental Restoration Consultants, Inc.

**Contact Person:** Jeff Adair

**Address: Street:** P.O. Box 110994

**City:** Naples **State:** Florida **Zip:** 34108

**Phone: Area Code:** (239) **Number:** 992-0086 **Ext:** \_\_\_\_\_

**Fax: Area Code:** (239) **Number:** 992-0086

**E-mail address:** \_\_\_\_\_

**Company Name:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_

**Address: Street:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone: Area Code:** \_\_\_\_\_ **Number:** \_\_\_\_\_ **Ext:** \_\_\_\_\_

**Fax: Area Code:** \_\_\_\_\_ **Number:** \_\_\_\_\_

**E-mail address:** \_\_\_\_\_

**Company Name:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_

**Address: Street:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone: Area Code:** \_\_\_\_\_ **Number:** \_\_\_\_\_ **Ext:** \_\_\_\_\_

**Fax: Area Code:** \_\_\_\_\_ **Number:** \_\_\_\_\_

**E-mail address:** \_\_\_\_\_



PUBLIC HEARING SUPPLEMENT D

ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION UNINCORPORATED LEE COUNTY

Case Number:

Project Name: Villas at Hidden Harbor Marina

Authorized Agent: Gary Muller

STRAP Number(s): 18-46-25-00-00020.0100

18-46-25-00-00020.0110

Select one application type only

- \_\_\_ DRI (rezoning required)
\_\_\_ DCI - Major
[X] DCI - Minor
\_\_\_ DCI - Minor - Existing Development (Note 1)
\_\_\_ DCI - Minor - Amendment to approved Master Concept Plan (Note 2)
\_\_\_ Amendment to built Planned Development meeting DCI threshold (Note 3)
\_\_\_ PRFPD in Private Recreational Facilities Overlay Area [(34-341(a)(2))]

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COMMUNITY DEVELOPMENT

Notes:

DCI 2006-00089

- 1) Existing Development. A development that has already been developed but does not conform to the regulations for a conventional district and is requesting a rezoning to planned development classification. It will be reviewed in the same manner as a minor planned development except that a traffic impact statement will not be required. [34-341(b)(2)d.1.]
2) Amendments to application. Application to amend an approved major or minor master concept plan or its attendant documentation, or for the extension of a vacated master concept plan originally approved prior to December 2, 1991. It will be treated procedurally as minor planned developments. These applications will require only as much information, as deemed necessary by the director, needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application. [34-341(B)(2)d.2.]

- 3) **Amendments to built planned developments (PD).** An application for a variance or other approval covered by this chapter wherein the subject property is the only part of the original planned development for which the approval is sought. Application meets the threshold for a development of county impact and will be reviewed in accordance with the provisions for reviewing developments of county impact. Applicant must be the owner of the subject property and the consent of the owners of the remainder of the original planned development will be unnecessary. However, these owners must be given notice of the application and other proceedings as if they were owners of the property abutting the subject property regardless to their actual proximity to the subject property.

For purposes of this subsection, the term "built" means that all roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouses, entrance signs, entrance ways and other similar items identified as part of the final approved master concept plan have been constructed and acknowledged by the county as complete. In the case of residential planned developments or mixed developments which include residential structures, the term "built" does not mean that all residential structures must have been constructed on individual platted lots.

\*\*\*\*\*

**LEE COUNTY  
COMMUNITY DEVELOPMENT  
P.O. BOX 398 (1500 MONROE STREET)  
FORT MYERS, FLORIDA 33902  
PHONE (941) 479-8585**

**PART 1  
GENERAL INFORMATION**

**A. Comprehensive Plan Amendments (check one)**

- There are **NO** Lee Plan Amendments pending that could affect the future use of this property.  
 The following Lee Plan Amendments **ARE** pending and could affect the future use of this property. (List uses and brief explanation of their effect on this application.)

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**B. Archaeological/Historical (check one)**

- There are **NO** known or recorded historical or archaeological sites on the property and no part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to Chapter 22. [34-373(A)(4)(f).]  
 There are known or recorded historical or archaeological sites on the property or part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to Chapter 22. Attached as **Exhibit 1-B** is a map indicating the nature and location of known or recorded historical or archaeological or areas of the property located within level 1 or level 2 zones of archaeological sensitivity including the outline of historic buildings and approximate approximate extent of archaeological sites. [34-373(A)(4)(f).]

**C. Public Transit (check one)**

- Property is **NOT** within the Lee Tran public transit service area.  
 Property is within the Lee Tran public transit service area. **Exhibit 1-C** shows the property in relation to existing and proposed public transit routes.

**D. Density**

- There are no residential dwelling units proposed for this development.  
 The property is located within one or more Future Land Use categories. Density has been calculated in **Part 3** of this application and is summarized below:

Intensive Development	_____	Proposed dwelling units
Central Urban	_____	Proposed dwelling units
Urban Community	15	Proposed dwelling units
Suburban	_____	Proposed dwelling units
Outlying Suburban	_____	Proposed dwelling units
<b>TOTAL</b>	_____	Proposed dwelling units

**PART 2  
TYPES OF LAND AREA ON PROPERTY**

<b>A.</b>	<b>Gross Acres (total area within described parcel)</b>		<u>5.31</u> Acres
1.	Submerged land subject to tidal influence:	<u>0.64</u>	Acres
2.	Other non-freshwater Wetlands:	<u>N/A</u>	Acres
3.	R-O-W dedicated to County:	<u>N/A</u>	Acres
4.	Non-residential use areas (Note 1)	<u>N/A</u>	Acres
<b>B.</b>	<b>Total area not eligible as gross residential acreage. Items A.1 + A.2 + A.3 + A.4</b>		<u>0.64</u> Acres
<b>C.</b>	<b>Gross residential acres. (Note 2)</b>		<u>4.67</u> Acres
<b>D.</b>	<b>Gross residential acres by Land Use Category</b>		
1.	a. Intensive Development - upland	<u>N/A</u>	Acres
	b. Intensive Development - freshwater wetland	<u>N/A</u>	Acres
2.	a. Central Urban - upland	<u>N/A</u>	Acres
	b. Central Urban - freshwater wetland	<u>N/A</u>	Acres
3.	a. Urban Community or Suburban - upland	<u>4.67</u>	Acres
	b. Urban Community or Suburban - freshwater wetland	<u>N/A</u>	Acres
4.	a. Outlying Suburban - upland	<u>N/A</u>	Acres
	b. Outlying Suburban - freshwater wetland	<u>N/A</u>	Acres
5.	a. Rural, Outer Island, Rural Community Preserve - upland	<u>N/A</u>	Acres
	b. Rural, Outer Island, Rural Community Preserve - freshwater wetland	<u>N/A</u>	Acres
6.	a. Open Lands - upland	<u>N/A</u>	Acres
	b. Open Lands - freshwater wetland	<u>N/A</u>	Acres
7.	a. DR/GR - upland	<u>N/A</u>	Acres
	b. DR/GR - freshwater wetland	<u>N/A</u>	Acres
8.	a. Wetlands - freshwater	<u>N/A</u>	Acres
	b. Wetlands - not freshwater	<u>N/A</u>	Acres
9.	a. New Community - upland	<u>N/A</u>	Acres
	b. New Community - freshwater wetland	<u>N/A</u>	Acres
10.	a. University Community - upland	<u>N/A</u>	Acres
	b. University Community - freshwater wetland	<u>N/A</u>	Acres
11.	<b>TOTAL (should equal "C" above)</b>	<u>N/A</u>	Acres

**NOTES:**

- 1) Lands for commercial, office, industrial uses, natural bodies water bodies, and other non-residential uses must not be included.
- 2) Lands to be used for residential uses including land within the development proposed to be used for street and street rights of way, utility rights of way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made water bodies.

**PART 3  
RESIDENTIAL DEVELOPMENTS  
PRELIMINARY DENSITY CALCULATIONS\***

- \* Notes: 1. Complete only if living units are proposed in A Future Land Use Category.  
 2. If more than one classification, calculations for each classification must be submitted.  
 3. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

**A. Intensive Development Category**

1. Preliminary Standard Units	Maximum Standard Density	Units
a. Total upland acres (from Part 2, D.1.a)	_____ times 14 equals	N/A
b. Total freshwater wetland acres (from Part 2, D.1.b)	_____ times 14 equals	N/A
c. Preliminary total standard units (a plus b) (Note 1)		N/A
2. Maximum Permitted Units	Maximum Permitted	Units
a. Total upland acres (from Part 2, D.1.a)	_____ times 18 equals	N/A
3. Total Allowed Standard Units (A.1.c. or A.2.a., whichever is less)		N/A
4. Bonus Units (Note 2)		N/A
a. Low-moderate housing density:		N/A
b. TDR units:		N/A
c. Sub-total (A.4.a. plus A.4.b.):		N/A
5. Total Permitted Units (A.3. plus A.4.c.): (Note 1)		N/A

**B. Central Urban Category**

1. Preliminary Standard Units	Maximum Standard Density	Units
a. Total upland acres (from Part 2, D.2.a)	_____ times 10 equals	N/A
b. Total freshwater wetland acres (from Part 2, D.2.b)	_____ times 10 equals	N/A
c. Preliminary total standard units (a plus b) (Note 1)		N/A
2. Maximum Permitted Units	Maximum Permitted	Units
a. Total upland acres (from Part 2, D.2.a)	_____ times 12.5 equals	N/A
3. Total Allowed Standard Units (B.1.c. or B.2.a., whichever is less)		N/A
4. Bonus Units (Note 2)		N/A
a. Low-moderate housing density:		N/A
b. TDR units:		N/A
c. Sub-total (B.4.a. plus B.4.b.):		N/A
5. Total Permitted Units (B.3. plus B.4.c.): (Note 1)		N/A

Notes:

- 1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.  
 2) If low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

**C. Urban Community Category**

<b>1. Preliminary Standard Units</b>		<b>Maximum Standard Density</b>	<b>Units</b>
a. Total upland acres (from Part 2, D.3.a)	4.67	times 6 equals	28.02
b. Total freshwater wetland acres (from Part 2, D.3.b)		times 6 equals	N/A
c. Preliminary total standard units (a plus b) (Note 1)			28.02
<b>2. Maximum Permitted Units</b>		<b>Maximum Permitted</b>	<b>Units</b>
a. Total upland acres (from Part 2, D.3.a)		times 8 equals	N/A
<b>3. Total Allowed Standard Units (C.1.c. or C.2.a., whichever is less)</b>			28.02
<b>4. Bonus Units (Note 2)</b>			N/A
a. Low-moderate housing density:			N/A
b. TDR units:			N/A
c. Sub-total (C.4.a. plus C.4.b.):			N/A
<b>5. Total Permitted Units (C.3. plus C.4.c.): (Note 1)</b>			N/A

**Notes:**

- 1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
- 2) If low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

**D. Suburban Category**

<b>1. Preliminary Standard Units</b>		<b>Maximum Standard Density</b>	<b>Units</b>
a. Total upland acres (from Part 2, D.3.a)		times 6 equals	N/A
b. Total freshwater wetland acres (from Part 2, D.3.b)		times 6 equals	N/A
c. Preliminary total standard units (a plus b) (Note 1)			N/A
<b>2. Maximum Permitted Units</b>		<b>Maximum Permitted</b>	<b>Units</b>
a. Total upland acres (from Part 2, D.3.a)		times 8 equals	N/A
<b>3. Total Allowed Standard Units (D.1.c. or D.2.a., whichever is less)</b>			N/A

**E. Outlying Suburban Category**

<b>1. Preliminary Standard Units</b>		<b>Maximum Standard Density</b>	<b>Units</b>
a. Total upland acres (from Part 2, D.4.a)		times 2 equals	N/A
b. Total freshwater wetland acres (from Part 2, D.4.b)		times 2 equals	N/A
c. Preliminary total standard units (a plus b) (Note 1)			N/A
<b>2. Maximum Permitted Units</b>		<b>Maximum Permitted</b>	<b>Units</b>
a. Total upland acres (from Part 2, D.4.a)		times 3 equals	N/A
<b>3. Total Allowed Standard Units (E.1.c. or E.2.a., whichever is less)</b>			N/A

**Notes:**

- 1) Outlying suburban land located north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78), and in the Buckingham area (see Goal 19 of the Lee Plan), the maximum upland density is two (2) units per acre plus one (1) for a total of three (3) units per acre.

**PART 4  
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES,  
HOTELS & MOTELS  
PRELIMINARY INTENSITY CALCULATIONS**

<b>A. Commercial</b>		<b>Habitable Stories</b>	<b>Height</b>	<b>Total Floor Area</b>	
A.1	Medical	N/A	N/A	N/A	Sq. Ft.
A.2	General Office	N/A	N/A	N/A	Sq. Ft.
A.3	Retail	N/A	N/A	N/A	Sq. Ft.
A.4	Other	N/A	N/A	N/A	Sq. Ft.
A.5	<b>TOTAL FLOOR AREA</b>			N/A	Sq. Ft.
<b>B. Industrial</b>		<b>Habitable Stories</b>	<b>Height</b>	<b>Total Floor Area</b>	
B.1	Under Roof	N/A	N/A	N/A	Sq. Ft.
B.2	Not Under Roof	N/A	N/A	N/A	Sq. Ft.
B.3	<b>TOTAL FLOOR AREA</b>			N/A	Sq. Ft.
<b>C. Mining</b>			<b>Depth</b>	<b>Total Acres</b>	
C.1	Areas to be excavated	N/A	N/A	N/A	Sq. Ft.
<b>D. Assisted Living Facilities</b>		<b>Habitable Stories</b>	<b>Height</b>	<b>Total Beds/Units</b>	
D.1	Dependent Living Units	N/A	N/A	N/A	Beds
D.2	Independent Living Units	N/A	N/A	N/A	Beds
D.3	<b>TOTAL BEDS/UNITS</b>			N/A	Beds
<b>E. Hotels/Motels</b>		<b>Habitable Stories</b>	<b>Height</b>	<b>Total Floor Area</b>	
E.1	< 425 square feet	N/A	N/A	N/A	Sq. Ft.
E.2	426 - 725 square feet	N/A	N/A	N/A	Sq. Ft.
E.3	> 725 square feet			N/A	Sq. Ft.
E.4	<b>TOTAL UNITS</b>			N/A	Sq. Ft.

**PART 5  
ENVIRONMENTAL ISSUES**

A. **Topography:** Describe the range of surface elevations of the property: \_\_\_\_\_

The existing surface elevations range from approximately 3.2 feet NGVD to 5.1 feet NGVD.

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B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the Lee Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see Lee Plan Policy 77.1 (2)] or listed species occupied habitat (see Sec. 10-4730 of the Land Development Code).

Not Applicable. The eastern portion of the site has been previously developed with 5 single family residences and a marina with a boat ramp. The western portion of the property is vacant, but most of the vegetation (Brazilian Pepper and Australian Pines) has been cleared.

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continued

**C. Preservation/Conservation of Natural Features:** Describe how the lands listed in B. Above will be protected by the completed project:

Not Applicable.

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**D. Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

The existing shoreline will be stabilized with rip rap.

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**PART 6  
SANITARY SEWER & POTABLE WATER FACILITIES**

**A. Special Effluent:** If special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

Not Applicable

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**B. Private On-site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:

Not Applicable

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2. Quality of the effluent:

Not Applicable

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3. Expected life of the facility:

Not Applicable

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4. Who will operate and maintain the internal collection and treatment facilities:

Not Applicable

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5. Receiving bodies or other means of effluent disposal:

Not Applicable

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**C. Spray Irrigation: If spray irrigation will be used, specify:**

1. The location and approximate area of spray fields:

Not Applicable

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2. Current water table conditions:

Not Applicable

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3. Proposed rate of application:

Not Applicable

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4. Back up system capacity:

Not Applicable

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**PART 7 - SUBMITTAL REQUIREMENTS**

Copies* Required	Exhibits	Item
<b>PUBLIC HEARING APPLICATION FORM</b>		
14		<b>Public Hearing Application Form (Application for Public Hearing for Zoning Action Form, OR, if a DRI with Rezoning, submit Application for Public Hearing for a DRI Form) [34-373(a)(1)]</b>
1		<b>Application Fee [34-373(a)(2)]</b>
<b>DESCRIPTION OF EXISTING CONDITIONS</b>		
4	D-1-B	<b>Historical or Archaeological sites:</b> The nature and location of any known or recorded historical or archaeological sites as listed in the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be included. [34-373(a)(4)h.]
14	D-1-C	<b>Public Transit:</b> A map or other depiction of the property in relation to existing and proposed transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. [34-373(a)(4)g.]
5	D-7-A ✓	<b>A Boundary Survey</b> , prepared and sealed by a professional surveyor, that meets the minimum technical standards set forth in Chapter 61G-17-6, F.A.C. The boundary survey must identify and depict all easements affecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by field inspection. [34-373(a)(4)a.]
14	D-7-B ✓	<b>Area Location Map</b> (on 8.5" x 11" paper). A map marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. [34-373(a)(4)b.]
14	D-7-C ✓	<b>Existing zoning and current land uses.</b> A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. [34-373(a)(4)c.]
14	D-7-D ✓	<b>Aerial photograph</b> with the site clearly delineated. [34-373(a)(4)d.] <b>Originals only- photocopies not acceptable.</b>
4	D-7-E ✓	<b>Soils Map.</b> Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. [34-373(a)(4)e.i.]
4	D-7-F ✓	<b>FLUCCS Map.</b> A Florida Land Use, Cover and Classification System (FLUCCS) map at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)e.ii.]
4	D-7-G ✓	<b>Rare &amp; Unique Upland Habitat Map.</b> Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in Lee Plan Section XII. [34-373(a)(4)e.iii.]
4	D-7-H ✓	<b>Topographic Map.</b> A County topographic map (if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)e.iv.]
4	D-7-I	<b>Existing &amp; Historic Flow-Ways Map.</b> Map(s) drawn at the same scale as the Master Concept Plan marked or overprinted to show existing and historic flow-ways. defined in Lee [34-373(a)(4)e.v.]

Copies* Required	Exhibits	Item
<b>NARRATIVE COMPLIANCE STATEMENTS</b>		
14	✓ D-7-J	<b>Lee Plan Compliance.</b> A narrative explanation as to how the proposed development complies with the Lee Plan. [34-373(a)(5)]
3	✓ D-7-K	<b>Design Standards Compliance.</b> A narrative explanation as to how the proposed development complies with the Design Standards set forth in LCLDC Section 34-411. [34-373(a)(5)]
3	✓ D-7-L	<b>Decision Making Compliance.</b> A narrative explanation as to how the proposed development complies with the guidelines for decision-making embodied in LCLDC Sections 34-145(c)(2)a and e and 34-145(d)(3). 373(a)(5)]
<b>MASTER CONCEPT PLAN</b>		
2 14	✓ D-7-M.1 D-7-M.2	<b>Master Concept Plan, Non-PRFPD.</b> A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a-i. Copies of the master concept plan must be provided in two sizes, 24" x 36" (2 copies), and 11" x 17" (15 copies – 2 originals required) in size and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. (See Instructions, Part 7, below) [34-373(a)(6)]
14	W/A D-7-N	<b>Master Concept Plan, PRFPD.</b> A clearly legible drawing, no less than 24" x 36" in size and drawn at a scale sufficient adequately show and identify the information required by LCLDC Section 34-941(g). [34-941(g)]
5	✓ D-7-O	<b>Traffic Impact Statement.</b> A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. [34-373(A)(7)] TIS not required for existing development. [34-341(b)(2)d.1.]
14	✓ D-7-P	<b>Schedule of Uses.</b> A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8). [34-373(a)(8)]
14	N/A D-7-Q	<b>Schedule of Deviations and Written Justification.</b> A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan. The location of each requested deviation must be located/shown on the Master Concept Plan. Deviation documentation and detail drawings including sample detail drawings must be provided illustrating how each deviation will operate to the benefit, or at least not to the detriment, of the public interest. [34-373(a)(9); 34-412(a)]
<b>ADDITIONAL REQUIREMENTS FOR MAJOR PD'S</b>		
4	N/A D-7-R	<b>Surface Water Management Plan.</b> A written description of the surface water management plan as required by LCLDC 34-373(b)(1)a-e. [34-373(b)(1)]
14	N D-7-S	<b>Phasing Program.</b> If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. [34-373(b)(3)]
<b>ADDITIONAL REQUIREMENTS FOR LARGE PROJECTS</b>		
4	D-7-T	<b>Protected Species Survey.</b> Protected Species Survey is required for large developments (defined in LCLDC Section 10-1), as specified in LCLDC Section 10-473. [34-373(b)(2)]
<b>ADDITIONAL REQUIREMENTS FOR AMENDMENTS TO BUILT PLANNED DEVELOPMENTS</b>		
4	N/A D-7-U	<b>Proof of Notice to Other Property Owners.</b> The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of the property abutting the subject property regardless of their actual proximity to the subject property. [34-373(c)]

Copies* Required	Exhibits	Item
		<b>ADDITIONAL REQUIREMENTS FOR DRI'S</b>
14	D-7-V	<b>Binding Letter of Interpretation from DCA or a complete and sufficient ADA. (See also Application for Public Hearing for DRI Form) [34-373(d)(2)]</b>
		<b>ADDITIONAL EXHIBITS - PRFPD'S</b>
4	D-7-W	<b>Conceptual Surface Water Management Plan.</b> A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flow-way corridors, cypress heads, natural lakes, and the restoration of impacted natural flow-way corridors. [34-941(d)(3)b.L1]
14	D-7-X	<b>Well Drawdown Information.</b> If in an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i. & ii. must be provided. [34-941(d)(3)d.]
14	D-7-Y	<b>Preliminary Indigenous Restoration Plan.</b> A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. [34-941(e)(5)X.II.]
14	D-7-Z	<b>Environmental Assessment.</b> An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. [34-941(g)(2)]
14	D-7-AA	<b>Demonstration of Compatibility.</b> Written statements concerning how the applicant will assure the compatibility of the proposed development with the nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. [34-941(g)(4)]

\* At least one copy must be an original



## 2005 Aerial Photograph

Scale 1" = 100'

February 06, 2007 3:18:54 p.m.  
 Drawing: LESOUSSHISTORICAERIALS.DWG (CC)



**HANS WILSON & ASSOC., INC.**  
 1938 Hill Avenue Ft. Myers, Florida 33901  
 Tel: 941-334-6870 Fax: 941-334-7810  
 MARINE and ENVIRONMENTAL CONSULTANTS

2.6.07

**Mullock Creek  
 Marina**

SHEET

**TOPICS FOR DISCUSSION  
WITH BYRAN KELNER**

**LETTER DATED 7/2/07 PAGE 3 PARAGRAPH 8.1**

**BOAT RAMP TO REMAIN AVAILABLE TO THE PUBLIC**

**COUNTY TO LEASE 100 ADDITIONAL DRY SLIPS FOR \$1 PER YEAR...WE COULD NOT SELL, TRANSFER OR OWN THESE SLIPS. WHILE THE PUBLIC BOAT RAMP IS IN EXISTENANCE WE COULD RENT THESE SLIPS. THIS WOULD HELP CATER TO THE AVERAGE BOAT OWNER WHO OWNS A 15' TO 25' BOAT.**

**SINCE THIS IS A PUBLIC BOAT RAMP I DON'T BELIEVE THERE IS A LIMIT TO THE NUMBER OF LAUNCHES THIS MAY HELP KEEP CARS AND BOAT TRAILERS OFF PARK ROAD.**

**THE MARINA HAS BEEN IN EXISTENCE BEFORE THE SURROUNDING HOUSES WERE BUILT. CONSEQUENTLY THEY SHOULD HAVE A HARD TIME FINDING ISSUE WITH THIS PROPOSAL.**

**WE OWN THE BOTTOM LANDS CAN WE DREDGE?**

**PUT IN TEMPORARY CULVERT FOR ACCESS TO THE WEST SIDE.**

**COUNTY TO PROVIDE MOSQUITO CONTROL**

**COUNTY TO PUT A MORATORIUM ON PROPERTY TAXES FOR 5 YEARS.**

COUNTY TO HELP SUBSIDIZE THE INSTALLATION OF WATER AND SEWER. DOES THE COUNTY HAVE 2-3% MONEY AMORIZED OVER 30 YEARS? IF WE INSTALL WOULD THERE BE A PRO-RATA REIMBURSEMENT FROM PEOPLE HOOKING UP ALONG PARK ROAD?

OPERATE A GUIDE SERVICE

CHARTER FISHING

SIGHT SEEING - SUNSET CRUISES

WEDDINGS

BOAT SALES AND RENTALS

CONVERT HOUSES TO SEASONAL RENTALS.... DAILY OR WEEKLY.... FIX UP LIKE KEY WEST STYLE.... MAINTAIN AN OLD FLORIDA ATMOSPHERE

SOUTHEASTERLY MOST HOUSE REMOVE THE ROOF AND CREATE A RESTAURANT OVER LOOKING BEAUTIFUL MULLOCK CREEK. WEST OF THE RESTAURANT AND EAST OF THE EXISTING TIKI HUT INSTALL A POOL FOR BOATERS TO ENJOY AFTER RETURNING TO THE BOAT LAUNCH.

INSTALL 174 FEET OF NEW DOCKAGE TO THE WEST

**NEW MARINA'S ARE NOT BEING CONSTRUCTED....THEY ARE BEING ELIMINATED ONE BY ONE.**

WE ARE TRYING TO CREATE A DESTINATION POINT FOR THE AVERAGE RESIDENT AND TOURIST OF LEE COUNTY SO THEY CAN ENJOY ONE OF FLORIDA'S GREATEST NATURAL RESOURCES....THE WATER

 **LEE COUNTY**  
SOUTHWEST FLORIDA  
BOARD OF COUNTY COMMISSIONERS

(239) 479-8109

RECEIVED  
BY [Signature]  
MAY 29 2007

Bob Janes  
District One

May 24, 2007

A Brian Bigelow  
District Two

Mr. Hans Wilson  
Hans Wilson & Associates, Inc.  
1938 Hill Avenue  
Fort Myers, Florida 33901

Ray Juah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

**SUBJECT: Manatee Plan Project Results**

Donald D. Sulwell  
County Manager

Dear Mr. Wilson-

David M. Owen  
County Attorney

This letter is in response to your e-mail of May 24, 2007, asking for a re-evaluation of the LESOUS-5 project located at 18501 Mullock Creek Lane, Ft. Myers, in light of a slip vesting assessment performed by Florida Fish and Wildlife Conservation Commission Imperiled Species Staff.

Diana M. Parker  
County Hearing Examiner

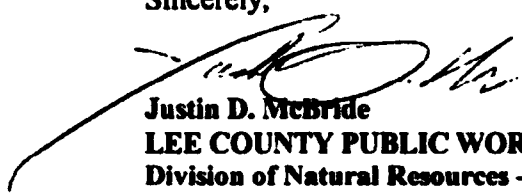
FFWCC staff has determined that the LESOUS-5 project has 78 slips that they (FFWCC) consider to be vested. According to Section 8.4 of the Manatee Protection Plan:

Projects that have valid permits and currently hold Chapter 380 vested status which allows for construction of slips (wet or dry) that may not be constructed at the time in which the Lee County Manatee Protection plan is adopted and implemented by the Board of County Commissioners, shall be exempted from the MFSE screening process.

For application of the MPP, the opinion of the FFWCC Imperiled Species Staff (as described in the 5/24 e-mail from Mary Duncan) that the Lesous-5 project has 78 vested slips exempts these slips per the criteria as described above.

Please let me know if you have any questions or if you need any additional assistance.

Sincerely,

  
**Justin D. McBride**  
**LEE COUNTY PUBLIC WORKS**  
**Division of Natural Resources - Marine Program**

cc: MPP Project Comment Letters File

MR. GARY F. MULLER  
RE: VILLAS AT HIDDEN HARBOR MARINA  
DCI2006-00089  
July 2, 2007  
Page 3

**Lee County Sufficiency Checklist for Planned Developments,  
Amendments, and Existing Developments Requesting Planned  
Development Zoning**

*10) Lee Plan Compliance Narrative. A narrative explanation as to how the proposed development complies with the Lee Plan, as well as the guidelines for decision-making embodied in sections 34-145(c)(2)a. and e., and 34-145(d)(3). [34-373(a)(5)]*

Thank you for the Lee Plan compliance narrative with regard to the water depend overlay zone. This was not reponded to in your May 27, 2007 sufficiency response. Please provide a response to the following:

**Objective 8.1:** You had mentioned that "... it is highly unlikely that the existing marina would be allowed to expand". Please provide your reasons why you suspect that it would be highly unlikely that the marina would be allowed to expand.

*21) Miscellaneous Items.*

**Staff Comments:**

1. In your Existing Structures Affidavit you mention that the existing docks will not be removed. However, in a letter from Justin McBride to Ms. Erica Maynard, dated January 30, 2007, a proposed dock plan for Mullock Creek Marina is depicted with the proposed location of the wet slips and the area to be backfilled. If this is what is being proposed, then the slips must be shown on the Master Concept Plan (MCP). Also, the "waterway@25%" should be referenced on the MCP along with the 10' slip offset. Please depicts and reference these lines on the MCP.
2. The 25 foot waterway buffer setback shown on the Master Concept Plan (MCP) does not reference from what line it is measured. Is the line shown on the MCP the Mean High Water Line or the Top of Bank line? Please designate this line on the MCP.
3. Please show the area to be filled on the Master Concept Plan, as depicted on the proposed dock plan for Mullock Creek Marina.
4. In correspondence from Steve Hurley to Sam Lee, dated May 21, 2007, an area described as "floodway Area (no encroachments allowed)" needs to be shown on the Master Concept Plan. Also, the correspondence states that no new improvements will be made within the limits of this area.



GARY F. MULLER, AICP

1482 ARGYLE DRIVE • FORT MYERS, FLORIDA 33919 • 813/939-0111 • FAX 813/939-0611

May 27, 2007

Mr. Bryan Kelner, Principal Planner  
Lee County DCD  
Zoning Division  
Post Office Box 398  
Fort Myers, Florida 33902-0398

RECEIVED  
MAY 29 2007

COMMUNITY DEVELOPMENT

**RE: Villas at Hidden Harbor Marina  
DCI2006-00089**

Dear Mr. Kelner:

Attached, please find the information requested in your sufficiency review of the above referenced rezoning case. The latest issues raised by staff have been addressed as follows:

1. *The response appears to indicate that the applicant believes they are vested for 19-21 wet slips and 57 dry slips. The MCP presumably includes the dock necessary to support the 19-21 wet slips. However, the MCP does not delineate the 57 dry storage slips. If these slips are not depicted on the MCP, the property owner will lose the right to claim entitlement to these slips upon approval of the zoning resolution.*

**Response:** The Florida Fish and Wildlife Conservation Commission (FWC) and the U.S. Fish and Wildlife Service (FWS) has indicated that the project site is vested for 78 slips. It is intended to retain 30 slips to service the proposed 15 single family residences (2 slips per residence) and sell the rights to the remaining 48 boat slips. This will occur prior to the final zoning resolution being approved. In the event that the market does not exist for the remaining 48 slips, the applicant may reconsider the rezoning request and resubmit a new plan that maximizes the value of the boat slips under the current marina water dependent overlay.

2. *The survey plat notes indicate that deed acreage is 5.26 acres, and the acreage to the MHWL is 4.67 acres, while the application states that the property is 5.31 acres. What is the correct acreage?*

**Response:** The original boundary survey submitted with the application indicated that the deed acreage for the subject property was 5.31 acres. The correct deed acreage per the revised boundary survey and legal

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MAY 29 2007

description submitted on March 6, 2007 is 5.26 acres. The acreage to MHWL remains 4.67 acres.

COMMUNITY DEVELOPMENT

3. *The existing structures need to be shown on the MCP with a reference to what will happen to them.*

**Response:** The location of all existing structures is shown on the boundary survey which was previously submitted and an affidavit was also previously submitted stating that all existing structures, except the docks, will be removed. The MCP is a document intended to depict the proposed development of the site and, therefore, to show structures that will be removed and not be part of the rezoning request is not warranted.

4. *The structures affidavit does not include a legal description or sketch depicting the location of the structures at issue. A strap number reference does not constitute a legal description.*

**Response:** The existing structures affidavit references the subject property by the zoning case number, which has been accepted in the past. The affidavit will be incorporated as part of the final zoning resolution, which will also include a legal description of the subject property and a boundary survey depicting all existing structures at the time the application was submitted.

5. *In your submittal, you received correspondence from Mr. McBride to Mr. Maynard, dated January 30, 2007, the third paragraph references "Reconfiguration and/or repair of any slips for which there are current, valid permits is consistent with the MPP. Construction of any new docks above those already permitted is prohibited..." Please provide staff with documentation to verify the number of slips that have valid permits.*

**Response:** Previous permits for docks located at the project site are unavailable. The basin was created between 1966 and 1968, prior to the need for federal and state permits. The applicant is securing an amendment to the County's original manatee protection plan risk assessment clarifying the vesting status of the project.

6. *The attached map to the correspondence represented in #5 above references a 25 foot setback. Where is this 25 foot setback measured from and what must be set back from this 25 foot setback? What does the waterway @ 25% mean? What is meant by a 10 foot slip offset? What does the x-hatched area represent, an area to be filled?*

**Response:** The 25 foot setback is a requirement of the state agencies to allow for suitable ingress and egress for properties adjacent to the proposed docks. The setback is measured from the riparian line, which is extended off of the property line in a direction perpendicular to the alignment of the shoreline or to the nearest edge of the marked channel.

DCI 2006-00089

The 25% of the waterway width is also a restriction imposed so as not to interfere with navigation to the upstream properties. The 10 foot slip offset is the area that a vessel can be moored within past the fixed structures, pursuant to the Lee County Land Development Code. The hatched area represents the basin to be filled, as noted in the text "Place seawall panel at entrance to basin and backfill with clean sand".

7. See attached comments from Sam Lee dated March 8, 2007.

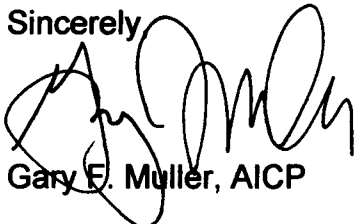
**Response:** Comments from Sam Lee have been addressed by the project engineer in a letter dated May 21, 2007. Four (4) copies are attached.

8. The checklist from Environmental Sciences, listed above, is from the previous sufficiency request dated November 20, 2007. Comments on your submittal received March 6, 2007, from Environmental Sciences will be forth coming under separate cover.

**Response:** Environmental Sciences has found the application to be sufficient per an email from Kim Trebatoski dated April 2, 2007.

I hope that this letter and the attached information has adequately addressed staffs' comments and the rezoning application can now be considered sufficient and ready to be scheduled for public hearings. If you have any further questions, please let me know.

Sincerely



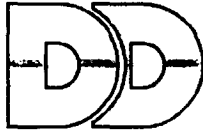
Gary E. Muller, AICP

cc: John Lesousky  
Steve Cunningham  
Steve Hurley  
Matt Uhle

RECEIVED  
MAY 29 2007

COMMUNITY DEVELOPMENT

DCI 2006-00089



**DAVID DOUGLAS ASSOCIATES, INC.**  
**ENGINEERS • CONTRACT ADMINISTRATORS • PLANNERS**

May 21, 2007

Mr. Sam Lee, P.E.  
Lee County Natural Resources  
1500 Monroe Street  
Fort Myers, FL 33901

**RECEIVED**  
MAY 29 2007

COMMUNITY DEVELOPMENT

Re: Mullock Creek-Villas at Hidden Harbour  
DDAI Project #03-0137

Dear Mr. Lee:

Enclosed you will find an exhibit that represents the proposed floodway limits as requested at our previous meeting. This area has been both set aside and identified that no new improvements will be made within its limits, therefore, eliminating the necessity of providing additional engineering calculations per your memo dated March 8, 2007.

Additionally, at the time of the Development Order submittal, all drainage calculations will be provided to you to ensure the remainder of the site meets the minimum district requirements.

Should you have any questions, please do not hesitate to contact me.

Sincerely,  
David Douglas Associates, Inc.

  
T. Steven Hurley  
V. P. of Operations

whc

enclosure

cc: Gary Muller  
Steve Cunningham

**DCI 2006-00089**

H:\03-0137 - Lesousky - Villas @ Hidden Harbour Marina\Zoning\03-0137\_052107 S Lee reflow way limits.doc

**DDA ENGINEERS, INC.**  
 1001 N. West Ave.  
 Fort Myers, FL 33909  
 TEL: (889) 410-3400  
 FAX: (889) 410-3408

**VILLAS @ HIDDEN HARBOR**

PROJECT LOCATION:  
 16801 Mullock Creek Ln  
 Fort Myers, FL 33908

OWNER:  
 16801 Mullock Creek Ln  
 Fort Myers, FL 33908

DATE: 7/23/2007

SCALE:  
 AS SHOWN

PROJECT NO.: 03-0187

DATE: 7/23/2007

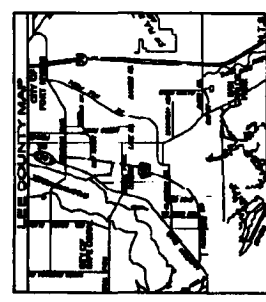
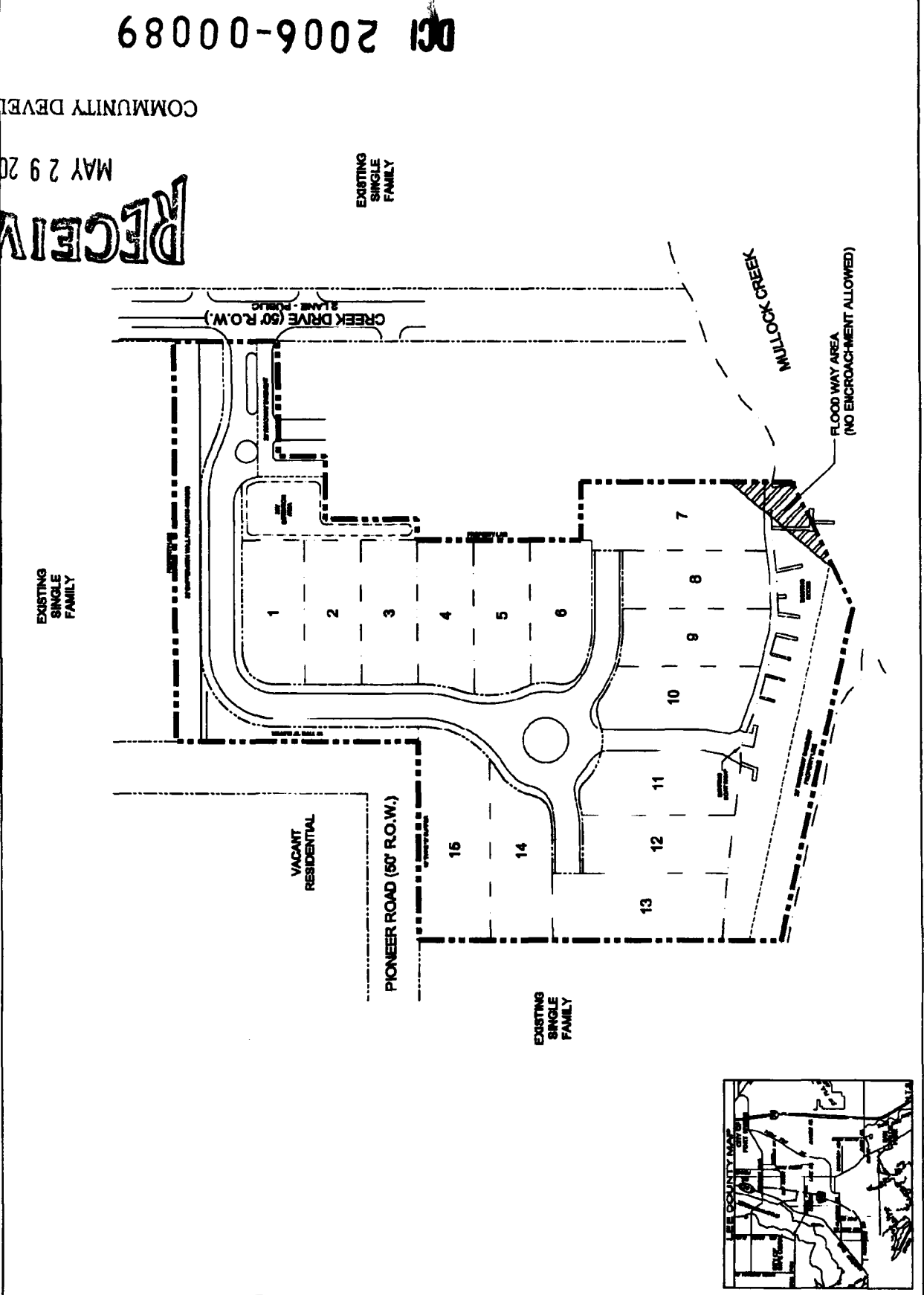
PROJECT TITLE:  
 FLOOD WAY EXHIBIT

SHEET NO.: A

DCI 2006-00089

COMMUNITY DEVELOPMENT

RECEIVED  
 MAY 29 2007



1482 Argyle Drive  
Fort Myers, FL 33919  
(239) 939-0111  
Fax: (239) 939-0611

Gary F. Muller, AICP

## LETTER OF TRANSMITTAL

**RECEIVED**

MAR 06 2007

*G. F. Muller*  
COMMUNITY DEVELOPMENT

To: Bryan Kelner

Date: 3/6/07

Re: Villas at Hidden Harbor Marina  
DCI2006-00089

The following items are being transmitted:

Copies	Description
14	Sufficiency Response Cover Letter
14	Revised Lee Plan Compliance Narrative
14	Revised Property Development Regulations
3	Existing Structures Affidavit
3	Agricultural Use Affidavit
5	Revised Traffic Impact Statement
4	Letter to FWCC
4	Letter from Lee County Regarding Manatee Protection Plan
4	Proposed Dock Plan
4	Environmental Assessment & Protected Species Survey
4	Soils and FLUCCS Maps
5	Revised Boundary Survey
14	Revised MCP (11" x 17")
14	Revised MCP (24" x 36")

As Requested

For Your Use

For Review and Comment

Remarks:

Copy To:

Signed: 

DCI 2006-00089



GARY F. MULLER, AICP

1482 ARGYLE DRIVE • FORT MYERS, FLORIDA 33919 • 813/939-0111 • FAX 813/939-0611

March 5, 2007

Mr. Bryan Kelner, Principal Planner  
Lee County DCD  
Zoning Division  
Post Office Box 398  
Fort Myers, Florida 33902-0398



COMMUNITY DEVELOPMENT

**RE: Villas at Hidden Harbor Marina  
DCI2006-00089**

Dear Mr. Kelner:

Attached, please find the information requested in your sufficiency review of the above referenced rezoning case. The issues raised on the checklists from the various Lee County reviewing agencies have been addressed as follows:

**LC Zoning Action Legal Requirements Checklist (Ord 05-29)**

*10) Boundary Survey. A boundary survey of the subject property must be submitted unless the application is a non-planned development request and the property consists of one or more undivided platted lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 (see LC Public Hearing Application Form, Part 3.D). [34-202(a)(2)]*

See notes below.

*10c) The survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner. [34-202(a)(2)]*

The boundary survey supplied is not tied to the state plane coordinate system as required in LDC 34-202(a)(2). Please provide a new boundary with state plane coordinates as required with one point being the point of beginning and the opposite corner. Please provide on 11" x 17" or 8½" x 11" paper.

**Response:** Five (5) copies of a new boundary survey meeting the above referenced requirements are attached.

DCI 2006-00089

**Environmental Sciences Planned Development Sufficiency Checklist**

1) *Descriptions of Existing Conditions, Soils, Vegetation FLUCCS, Topography. The application for a Planned Development must be accompanied by the following: [34-373(a)(4)]*

1b) *Maps. Maps drawn to the same scale as the Master Concept Plan marked or overprinted to show: [34-373(a)(4)e]*

1b1) *Soils. Soils, classified in accordance with USDA/SCS System. [34-373(a)(4)e.i]*

Please submit.

**Response:** Four (4) copies of a Soils Map were previously submitted. Four additional copies are attached.

1b2) *Vegetation/Ground Cover. Vegetation and ground cover classified in accordance with the Florida Land Use and Cover Classification Cover System [34-373(a)(4)e.i]*

Please submit.

**Response:** Four (4) copies of a FLUCCS Map were previously submitted. Four additional copies are attached.

1b3) *Rare & Unique Uplands Habitats. Significant areas of rare and unique upland habitats [34-373(a)(4)e.i]*

Please submit.

**Response:** The subject property does not contain any rare or unique upland habitats as indicated in the attached Environmental Assessment.

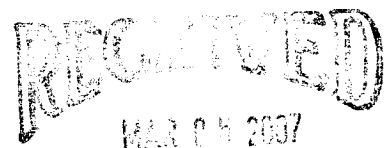
2) *Protected Species Survey. A Protected Species Survey as required by LDC Section 10-473 must be provided for large projects (as defined in LDC Chapter 10) and Major Planned Developments. [34-373(b)(2)]*

Please submit.

**Response:** The Environmental Assessment has been revised to include a Protected Species Survey. Four (4) copies are attached.

3) *Protected Species Management Plan. Protected species preserve areas must be indicated on the Master Concept Plan; a final management plan as required by LDC Section 10-474 is not required until time of local development order. [10-474]*

Pending submittal of protected species survey.



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**Response:** No protected species were observed on site.

Please submit information on how the project is consistent with the Manatee Protection Plan, and if any signage will be included for manatee protection.

**Response:** The project is consistent with the Lee County Manatee Protection Plan as a site that is vested with slips prior to the implementation of the plan. The number of slips vested with the site varies on use of both the wet slips and boat ramp. A copy of a letter prepared and submitted to the Florida Fish and Wildlife Conservation Commission (FWCC) is attached that outlines the use of the property and the latest slip counts. In aerial photographs taken in 2005, a total of 78 slips were either available or occupied on site. Of the 21 wet slips, which include temporary mooring for the boat ramp, 18 were occupied. The remaining slips were available for mooring, including the two slips located in the covered boat house. It is anticipated that the FWCC will require the implementation of educational and informational signs on site.

**4) *Environmentally Sensitive Areas.*** *The location, of any state jurisdictional wetlands and surface water, based on standard environmental data and verified by the South Florida Water management staff, must be depicted on an aerial or FLUCCS map unless waived by the director.*

Please submit.

**Response:** The location of state jurisdictional wetlands has been depicted on the FLUCCS Map, however, the exact limits have not yet been verified by the South Florida Water Management District.

**8) *Design Standards: Environmentally Sensitive Areas.*** *Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural features of the site, particularly mature native trees and threatened or endangered native vegetation. [34-411(g)]*

Pending submittal of a FLUCCS map with any SFWMD jurisdictional wetlands highlighted.

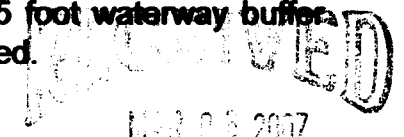
**Response:** Please refer to 4) above.

**9a) *Natural Waterways Buffer.*** *A 25 foot natural waterway buffer, 50 foot in the Greater Pine Island Area, must be provided abutting state-designated aquatic preserves and associated tributaries. [10-416(d)(9)]*

Please revise the MCP to provide the 25 foot natural waterway buffer as a common area tract outside the single family lots.

**Response:** The MCP has been revised to provide a 25 foot waterway buffer tract along the shoreline. Fourteen (14) copies are attached.

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10) *Dock and Shoreline Structures. Location and dimensions of proposed structure(s) must be shown on the Master Concept Plan. How will protected species, the natural waterway buffer, and adjacent waterways be affected? [10-474; 10-416(d)(9); Chapter 26]*

1) Page 4 of the application under item I.1 indicates "All existing structures, except for the boat ramp, will be removed." However, the MCP delineates "existing docks" and the list of uses includes "Multi-slip docking facility." Please clarify if the existing docks will remain, and how access to these docks will be maintained.

**Response:** At present, the existing docks will remain as shown on the revised MCP, with access to the docks being provided through a walkway easement within the 25 foot waterway buffer. The applicant, however, would also like to propose an alternative plan to be adopted as part of the zoning resolution with final approval subject to further environmental permitting. This plan would allow for 14 perpendicular slips and 5 parallel slips. Four (4) copies of the proposed dock plan are attached.

2) The Environmental Issues document indicates that the shoreline will be stabilized with riprap. Please provide a cross-section of the proposed riprap, and delineate the area of the proposed riprap on the MCP. Please note that any riprap will need to be landward of the high water line and be placed to avoid any existing native vegetation.

**Response:** The statement regarding the utilization of riprap to stabilize the shoreline in the Environment Issues document was incorrect. The natural vegetation will be preserved as part of the 25 foot waterway buffer and the existing mangroves will continue to be used for shoreline stabilization.

## 12) *Miscellaneous Items*

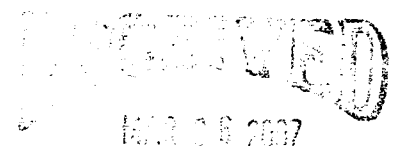
1) Please revise the Lee Plan Compliance narrative (Exhibit D-7-J) to include a discussion on how the proposed development is consistent with the Commercial Marine Overlay under Goal 8, Objective 128.4, and Policy 128.4.2.

**Response:** The Lee Plan Compliance narrative has been revised to include a discussion on how the proposed development is consistent with the Commercial Marine Overlay under Goal 8, Objective 128.4, and Policy 128.4.2. Fourteen (14) copies are attached.

2) Please submit a full size MCP

**Response:** Fourteen (14) copies of a full size MCP were previously submitted. Fourteen full size copies of the revised MCP are attached.

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**Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning**

1a) *The application was signed by the owner of the property or an authorized representative. [34-201(a)(1)a.1.]*

The affidavit for Hidden Harbor Marina Venture LLC was signed by John Lesousky, Managing Member. However, Florida Department of State has the managing member as SG Investments Inc. and Pinnacle Construction of Fort Lauderdale, Inc. Please correct or clarify this discrepancy.

**Response:** SG Investments, Inc. and Pinnacle Construction of Fort Lauderdale, Inc. are two of the four partners of Hidden Harbor Marina Venture LLC as listed on the previously submitted Disclosure of Interest Form. Mr. Lesousky is the authorized representative for Hidden Harbor Marina Venture LLC as well as the authorized representative for both SG Investments Inc. and Pinnacle Construction of Fort Lauderdale, Inc.

1c) *The fee owner is a corporation, and a duly authorized corporate official initiated the application. [34-201(a)(1)a.3.]*

The affidavit for Hidden Harbor Marina Venture LLC was signed by John Lesousky, Managing Member. However, Florida Department of State has the managing member as SG Investments Inc. and Pinnacle Construction of Fort Lauderdale, Inc. Please correct or clarify this discrepancy.

**Response:** Please refer to 1a) above

6j) *Affidavit regarding proposed use. If buildings or structures exist on the property, the applicant must submit an affidavit stating that the buildings and structures will be removed or that the proposed use of the buildings, structures and land is, or will be, in compliance with all applicable requirements of the LDC. [34-202(b)(3)]*

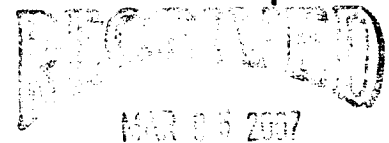
Please provide the required affidavit.

**Response:** One (1) original and two (2) copies of an Existing Structures Affidavit are attached.

6o) *Statement from the owner describing the type and intensity of agricultural use existing on the site on the date of the application. The statement must include acreage figures for each use and an exhibit showing the location of the uses on a copy of a boundary sketch. The exhibit must be titled "Agricultural Uses at the time of Zoning Application". [34-202(b)(7)]*

Please provide an agricultural affidavit stating that no agricultural activities take place on the site.

 2006-00089



COMMUNITY DEVELOPMENT

**Response:** One (1) original and two (2) copies of an Agricultural Affidavit are attached stating that there are no agricultural activities taking place on the subject property.

**6o) Lee Tran Map.** *A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. [34-373(a)(4)(g.)]*

Please provide the necessary documentation.

**Response:** Public transit is not presently available to the site, as the subject property is located a little over a mile away from the nearest Lee Tran route along U.S. 41.

**10) Lee Plan Compliance Narrative.** *A narrative explanation as to how the proposed development complies with the Lee Plan, as well as the guidelines for decision-making embodied in Sections 34-145(c)(2)a. and e., and 34-145(d)(3). [34-373(a)(5)]*

The Lee Plan Compliance narrative is mute with regard to the water-dependant overlay zone. Please include in your narrative.

**Response:** The Lee Plan Compliance narrative has been revised to include a discussion on how the proposed development is consistent with the Commercial Marine Overlay under Goal 8, Objective 128.4, and Policy 128.4.2. Fourteen (14) copies are attached.

**11a) Sizes of Plans.** *Copies of Master Concept Plan must be produced in two (2) sizes, 24 inches by 36 inches and 11 inches by 17 inches in size. [34-373(a)(6)]*

Please provide a full size copy of the proposed Master Concept Plan.

**Response:** Fourteen (14) copies of a full size MCP were previously submitted. Fourteen full size copies of the revised MCP are attached.

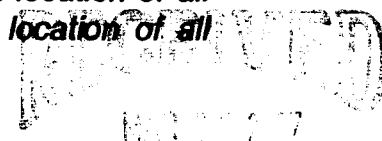
**12a) Existing Easements.** *The exact location and explanation of all existing easements, whether or not those easement are recorded. [34-373(a)(6)a.]*

The easements identified on the survey must also be shown on the MCP, including the OR Book and Page.

**Response:** The MCP has been revised to depict the location of all existing easements shown on the survey as requested. Fourteen (14) 24" x 36" copies and fourteen (14) 11" x 17" copies of the revised MCP are attached.

**12c) Streets.** *If it is a subdivision, the plan must also show the general location of all proposed internal street rights-of-way or easements, and the general location of all*

DCI 2006-00089



*points of vehicular ingress and egress from the proposed internal rights-of-way or easements into multiple-family, commercial or industrial use lots. [34-373(a)(6)b.]*

Please show the width of the street, diameter of the turning circle, and width of the access to the boat ramp.

**Response:** The MCP has been revised to depict the width of the street, diameter of the turning circle, and width of the access to the boat ramp as requested. Fourteen (14) 24" x 36" copies and fourteen (14) 11" x 17" copies of the revised MCP are attached.

*12d1) Parcels/Lots. The general location, configuration, and approximate dimensions of each lot or parcel (including outparcels). [34-373(a)(6)c.]*

Please provide the lot dimensions on the MCP for each lot.

**Response:** The MCP has been revised to depict the dimensions for each lot as requested. Fourteen (14) 24" x 36" copies and fourteen (14) 11" x 17" copies of the revised MCP are attached.

*12k) Public Transit. Proposed access and facilities for public transit, in accordance with Sections 34-411(e) and 10-442. [34-373(a)(6)j.]*

Please respond to this query.

**Response:** The proposed project will consist of only fifteen single family lots and the subject property is a little over a mile away from the nearest public transit route along U.S. 41. Based on this information, no facilities for public transit will be required pursuant to LDC Sections 34-411(e) and 10-442.

## *21) Miscellaneous Items.*

Comments:

1. The property boundary as superimposed on the aerial appears to encompass the riparian rights that may be applicable to the property on the other side of the waterway easements. Please provide documentation regarding ownership of the water bottom and interests articulated in the waterway easement.

**Response:** The riparian rights to the water bottom run with the ownership of the property, subject to a 30 foot waterway easement (along the southern boundary) as described in O.R. Book 52, Page 494. This is documented on the attached boundary survey.

2. Please clarify the number of slips the applicant is claiming as existing and attributed with the subject property. Are there any docks subject to joint use with the adjacent property owners?

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**Response:** The applicant is claiming 21 wet slips and 57 dry slips as existing on the subject property, with no docks subject to joint use with adjacent property owners. This information is documented on a 2005 aerial overlay exhibit provided by Hans Wilson and Associates, Inc. which is attached to the letter submitted to FWCC for review.

3. Will there be any parking for the boat ramp or recreational facilities, private?

**Response:** No parking will be needed as the facilities will be private and a boat slip will be provided for each homeowner.

4. See attached comments from the School District of Lee County.

**Response:** The School District has found the application to be sufficient.

5. See attached comments from the Natural Resources.

**Response:** The comments from Natural Resources are not applicable to the review of a minor planned development rezoning application.

6. The subject property is in the water-dependant overlay zone. Staff would like to see integration of the of the water-dependant overlay zone into the project.

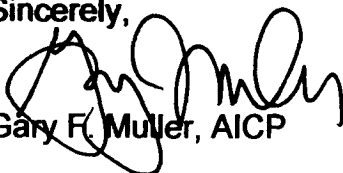
**Response:** Please refer to discussion on the water-dependant overlay zone included in the revised Lee Plan Compliance narrative.

7. Comments on the Traffic TIS from Development Services will be forthcoming.

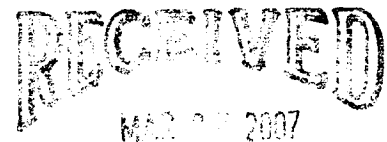
**Response:** The comments from Development Services have been received and are addressed in the revised Traffic Impact Statement. Five (5) copies are attached.

I hope that this letter and the attached information has adequately addressed staffs' comments and the rezoning application can now be considered sufficient and ready to be scheduled for public hearings. If you have any further questions, please let me know.

Sincerely,

  
Gary F. Muller, AICP

cc: John Lesousky  
Steve Hurley  
Matt Uhle



COMMUNITY DEVELOPMENT

DCI 2006-00089

## EXHIBIT D-7-J

### LEE PLAN COMPLIANCE

#### Zoning Request and Project Description

The applicant is requesting a zoning change from AG-2 and CM to Residential Planned Development (RPD) on a 5.31 acre parcel located on the west side of Creek Drive in San Carlos Park. The subject property has approximately 450 feet of frontage on Mullock Creek and the easterly portion of the site has been previously developed with five single family residences and a marina with a boat ramp and a bar. The proposed request would allow the site to be redeveloped with 15 single family home sites with a minimum lot size of 55' x 135' and a maximum building height of 35 feet. The existing boat ramp will remain and existing docks be rebuilt as recreational amenities for the project.

#### Consistency with the Lee Plan

The subject property is located within the Urban Community future land use category which is described as follows in the Lee Plan:

**POLICY 1.1.4:** The Urban Community areas are outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by ordinance No. 94-30)

All of the proposed uses are appropriate within the Urban Community future land use category and the requested density of 3.2 dwelling units per acre is within the standard density range. The proposed development is therefore consistent with Policy 1.1.4.

The rezoning request will also be consistent with these other goals, objectives, standards and policies set forth in the Lee Plan:

**OBJECTIVE 2.1: DEVELOPMENT LOCATION.** Contiguous and compact growth patterns shall be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30)

DCI 2006-00089

APPROVED  
JAN 23 2007  
COMMUNITY DEVELOPMENT

**OBJECTIVE 2.2: DEVELOPMENT TIMING.** Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) shall be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Office. (Amended by Ordinance No. 94-30)

The subject property lies within the Urban Community future land use category and is surrounded by existing residential development. The rezoning request will therefore promote contiguous growth patterns in an existing urban area which already has the necessary infrastructure available to support the proposed development.

**POLICY 2.2.1:** Rezonings and development-of regional-impact proposals shall be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Amended by Ordinance No. 94-30)

The development will have access off of Creek Drive, approximately one-quarter mile south of Park Drive, a collector roadway which intersects with U.S. 41 Road to the east. Sewer and water will be provided from Lee County Utilities. Additional public facilities which are readily available include: fire protection (San Carlos Fire District), emergency medical services, (Lee County EMS) and police protection (Lee County Sheriff's Department).

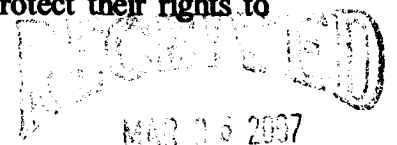
**POLICY 5.1.5:** Protect existing and future residential areas from encroachment of uses that are potentially destructive to the character and integrity of the residential environment. If such uses are proposed in the form of a planned development and generally applicable development regulations are deemed to be inadequate, conditions shall be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application shall be denied altogether. Requests for conventional rezonings shall be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. The Land Development Code shall continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30)

The proposed development will be compatible with the surrounding residential uses and rezoning request will eliminate an existing commercial use which is presently destructive to the character and integrity of the existing residential environment.

**GOAL 8: MARINE-ORIENTED LAND USES.** To designate prime locations for marine-oriented land uses and protect them from incompatible or pre-emptive land uses.

**OBJECTIVE 8.1:** Existing marinas, fish houses and port facilities indicated on the Future Land Use Map as having water-dependant overlay zones will be reclassified by the county to commercial and industrial marine zoning categories to protect their rights to

DCI 2006-00089



COMMUNITY DEVELOPMENT

rebuild and expand and to prevent their conversion to non-water dependant uses without a public hearing. (See Map 12) (Amended by Ordinance No. 94-30, 00-22)

The easterly 3.8 acres of the subject property is located within the Water Dependant Zone as identified on Lee Plan Map 12 (Page 11 of 12), however, only about 0.5 acres was rezoned to Commercial Marine (CM) by the Board of County Commissioners in 1991. Due to the fact that the existing CM zoning only encompasses the existing marina and boat ramp area, and given the surrounding land uses and environmental constraints, it is highly unlikely that the existing marina would be allowed to expand. The proposed rezoning request to convert the property to water-related residential uses will require going through the public hearing process.

**OBJECTIVE 128.4: CRITERIA FOR PRIORITIZING SHORELINE USES.**  
Priority will given to new and substantially expanded shoreline land uses as indicated in the following policies. (Amended by Ordinance No. 00-22)

**POLICY 128.4.2:** In all other non-wetland shoreline areas, water-dependant land uses will have priority over water-related uses and water-related land uses that provide some form of water access to the public will be encouraged, particularly when the site has previously provided water access to the public. (This policy will not be interpreted as a prohibition of new land uses which are only water-related, but instead as a reminder of the diminishing opportunities for water access in Lee County and the desirability of maintaining and increasing such access.)

- **Water-dependant uses:** Land uses are those for which water access is essential and which could not exist without water access.
- **Water-related uses:** Land uses that might be enhanced by proximity to water, but for which water access is not essential. (Amended by Ordinance No. 00-22)

The subject property is surrounded by single family development and the boat ramp traffic and noise from the bar at the marina are disruptive to the existing neighborhood. The requested use will be more compatible with the surrounding area and private water access will still be provided for the residents of the proposed development. There is also the possibility that the 57 existing dry slips (which will no longer be utilized) can be transferred to a more suitable site for public use.

DCI 2006-00089

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FEB 25 2007

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**EXHIBIT D-7-P**

**PROPOSED SCHEDULE OF USES  
AND  
PROPERTY DEVELOPMENT REGULATIONS**

**Schedule of Uses**

Accessory uses and structures  
Dwelling units: single family  
Essential services  
Essential service facilities - group I  
Fences, walls  
Home occupation  
Multi-slip docking facility  
Model home  
Multi-slip docking facility and boat ramp (existing)  
Parking lot: accessory  
Real estate sales office  
Recreational facilities, personal and private  
Residential accessory uses  
Signs in accordance with Chapter 30  
Temporary construction/sales office

**Property Development Regulations**

Minimum lot width: 55 feet  
Minimum lot depth: 114 feet  
Minimum lot area: 6,270 s.f.  
Minimum Setbacks:  
Street (public): 25 feet  
Street (private): 20 feet (15 feet side yard)  
Side yard: 5 feet, 5 feet accessory structure  
Rear yard: 20 feet, 5 feet accessory structure  
Water body:: 25 feet,  
Maximum lot coverage: 45 percent  
Maximum building height: 35 feet, 2 stories

**APPROVED**  
JUL 13 2007

**DCI 2006-00089**

COMMUNITY DEVELOPME

**EXISTING STRUCTURES AFFIDAVIT**

STATE OF FLORIDA     )  
                                          )  
COUNTY OF LEE        )

BEFORE ME this day appeared JOHN LESOUSKY, who, being first duly sworn, deposes and says:

1. He is the managing member of Hidden Harbor Marina Venture LLC, the applicant in Case DCI2006-00089.

2. There are existing structures on the property that is the subject of Case DCI2006-00089.

3. All of the existing structures except the docks will be removed during the development of the subject property.

4. The docks will be used in accordance with all of the County's applicable regulatory requirements

FURTHER, AFFIANT SAYETH NAUGHT.

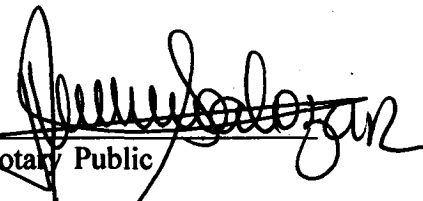
Done and executed 20 day of Feb, 2007.

  
\_\_\_\_\_  
JOHN LESOUSKY

SUBSCRIBED AND SWORN TO before me by John Lesousky who is personally known to me , or has produced \_\_\_\_\_ as identification .

My Commission Expires:

NOTARY PUBLIC-STATE OF FLORIDA  
Alejandra Salazar  
Commission # DD572420  
Expires: JULY 10, 2010  
FONDED THRU ATLANTIC BONDING CO., INC.

  
\_\_\_\_\_  
Notary Public  
Alejandra Salazar  
Printed Name

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MAR 06 2007

DCI 2006-00089

COMMUNITY DEVELOPMENT

**AGRICULTURAL AFFIDAVIT**

STATE OF FLORIDA     )  
                                          )  
COUNTY OF LEE        )

BEFORE ME this day appeared JOHN LESOUSKY, who, being first duly sworn, deposes and says:

- 1. He is the managing member of Hidden Harbor Marina Venture LLC, the applicant in Case DCI2006-00089.
- 2. There are no existing agricultural uses on the subject property, and none are being requested in Case DCI2006-00089.

FURTHER, AFFIANT SAYETH NAUGHT.

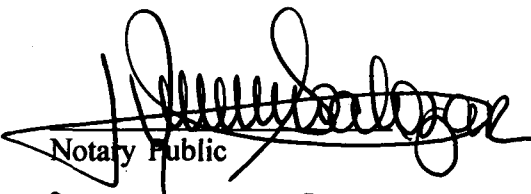
Done and executed 20 day of Feb, 2007.

  
\_\_\_\_\_  
JOHN LESOUSKY

SUBSCRIBED AND SWORN TO before me by John Lesousky who is personally known to me [, or has produced \_\_\_\_\_ as identification [].

My Commission Expires:

NOTARY PUBLIC-STATE OF FLORIDA  
Alejandra Salazar  
Commission # DD572420  
Expires: JULY 10, 2010  
BONDED THRU ATLANTIC BONDING CO., INC.

  
Notary Public  
Alejandra Salazar  
Printed Name

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**DCI 2006-00089**



**DAVID DOUGLAS ASSOCIATES, INC.**  
**ENGINEERS • CONTRACT ADMINISTRATORS • PLANNERS**

# Villas @ Hidden Harbor

**TRAFFIC IMPACT STATEMENT**  
September, 2006

**DCI 2006-00089**

Prepared by:  
L. Steven Hurley  
Project Manager

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1821 VICTORIA AVENUE FORT MYERS, FL 33901 PH: (239) 337-3330 FAX: (239) 337-1238  
E-mail: [sh@ddai-engineers.com](mailto:sh@ddai-engineers.com)

Job # 03-0137



**DAVID DOUGLAS ASSOCIATES, INC.**  
**ENGINEERS • CONTRACT ADMINISTRATORS • PLANNERS**

**TRAFFIC IMPACT STATEMENT  
FOR  
VILLAS @ HIDDEN HARBOR  
18501 MULLOCK CREEK LN**

**Project Description**

The proposed project consist of a 15 single family residential units, located on a 5.31 acre parcel west of US 41 off Park Road, Lee County, Florida, Sec. 18, Twn. 46 S., Rng. 25 E.

**Site access**

The site will have one entrance as shown on trip exhibits 2 & 3. on Creek Drive

**Trip generation**

Vehicular trip ends generated by the proposed project were calculated by Microtrans software based on methodology provided by Trip Generation Manual of the Institute of Transportation Engineers (7<sup>th</sup> edition).

Land use code 210 – Single Family Detached Housing  
Trip generation equations vs: 1000 sf gross floor area

This project will not generate 300 vehicle trips during the peak hour. Having not met this threshold, the traffic impact statement shall provide information regarding the development's traffic generation and impact at the development's access points onto the adjacent street system.

Print outs of the trip generation by Microtrans for this use is attached.

**Project Traffic Distribution**

Directional splits onto adjacent roadway are based on existing population and vehicle movements. Assuming 50% directional splits on US 41 onto Park Road westbound to Creek Drive. See attached sketch for trip distribution at project entrance.

**Level of Service**

See Level of Service Analysis for arterial or collector roads to be accessed adjacent to project, see page 2.

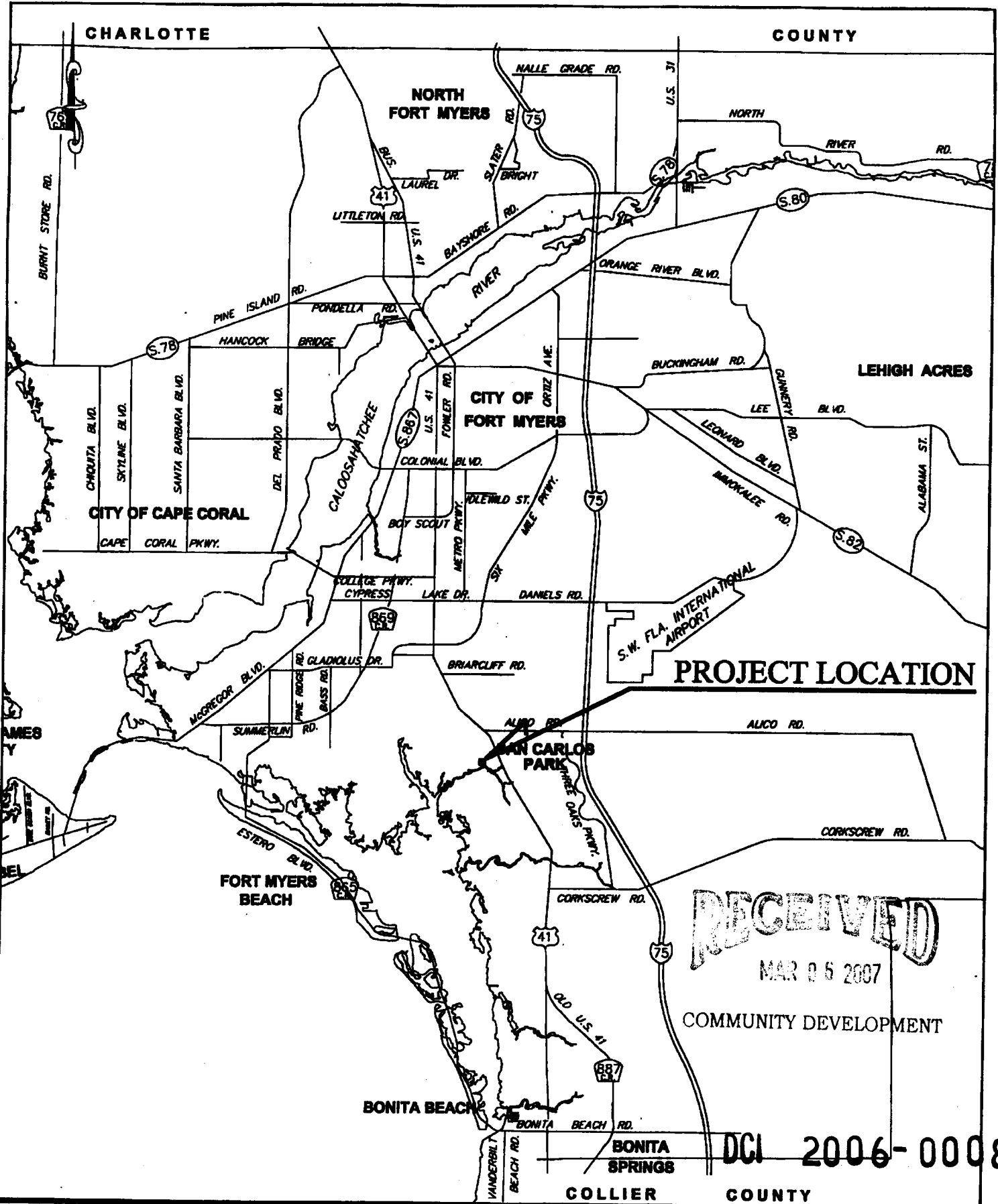
**Conclusion**

The proposed project is anticipated to generate a total of 20 PM peak hour trips. This total is below the threshold of 300 peak hour trips that is stated in the Lee County Land Development Code, sec. 10-286.

The trip volumes at the site entrances are such that they should have no impact on adjacent street traffic. Therefore, no improvements are required at the site access point.

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DCI 2006-00089

DATE : 9/22/06  
SCALE : N.T.S.  
DESIGN : LSH  
CAD : CWS  
CHECK : LSH  
FILE : 03-0137 T78



**DDA ENGINEERS-PLANNERS, INC.**  
1821 Victoria Avenue, Fort Myers, Florida 33901  
Ph. 239-337-3330, Fax 239-337-1236  
E-mail: [sh@dda-engineers.com](mailto:sh@dda-engineers.com)  
Florida Certification of Business #8786

**SITE LOCATION MAP**  
**Villas @ Hidden Harbor**  
**LEE COUNTY, FL**  
STRAP # 18-48-28-06-00028.0100

EXHIBIT  
**1**  
JOB NUMBER  
03-0137



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100%  
 CREEK DRIVE

TOTAL PROJECT  
 5.31 ACRE

5 TRIPS (EN.)  
 15 TRIPS (EX.)

THIS PROJECT WILL  
 GENERATE A TOTAL  
 OF 20 AM TRIPS

DCI 2006-00089

DATE : 9/22/06  
 SCALE : N.T.S.  
 DESIGN : LSH  
 CAD : CWS  
 CHECK : LSH  
 FILE : 03-0137 TIS



**DDA ENGINEERS-PLANNERS, INC.**  
 1821 Victoria Avenue, Fort Myers, Florida 33901  
 Ph. 239-337-3330, Fax 239-337-1236  
 E-mail: sh@ddai-engineers.com  
 Florida Certification of Business #6786

**PROPOSED AM PEAK HOUR TRIPS**  
**Villas @ Hidden Harbor**  
**LEE COUNTY, FL**  
 STRAP # 18-46-25-00-00020.0100

EXHIBIT  
**2**  
 JOB NUMBER  
 03-0137



DATE : 9/22/06  
 SCALE : N.T.S.  
 DESIGN : LSH  
 CAD : CWS  
 CHECK : LSH  
 FILE : 03-0137 TIS



**DDA ENGINEERS-PLANNERS, INC.**

1821 Victoria Avenue, Fort Myers, Florida 33901  
 Ph. 239-337-3330, Fax 239-337-1236  
 E-mail: sh@ddal-engineers.com  
 Florida Certification of Business #8786

**PROPOSED PM PEAK HOUR TRIPS**

**Villas @ Hidden Harbor  
 LEE COUNTY, FL**

STRAP # 18-46-25-00-00020.0100

EXHIBIT

**3**

JOB NUMBER  
 03-0137



**DAVID DOUGLAS ASSOCIATES, INC.**  
**ENGINEERS • CONTRACT ADMINISTRATORS • PLANNERS**

VILLAS @ HIDDEN HARBOR  
 Summary of Trip Generation Rates  
 For 15 Dwelling Units of Single Family Detached Housing  
 September 22, 2006

	Avg. Trip Rate	Min. Trip Rate	Max. Trip Rate	Std. Dev.	No. of Studies
Avg. Weekday 2-Way Volume	12.10	0.00	0.00	0.00	0
7-9 AM Peak Hour Enter	0.33	0.00	0.00	0.00	0
7-9 AM Peak Hour Exit	1.00	0.00	0.00	0.00	0
7-9 AM Peak Hour Total	1.33	0.00	0.00	0.00	0
4-6 PM Peak Hour Enter	0.82	0.00	0.00	0.00	0
4-6 PM Peak Hour Exit	0.48	0.00	0.00	0.00	0
4-6 PM Peak Hour Total	1.30	0.00	0.00	0.00	0
AM Pk Hr, Generator, Enter	0.39	0.00	0.00	0.00	0
AM Pk Hr, Generator, Exit	1.11	0.00	0.00	0.00	0
AM Pk Hr, Generator, Total	1.50	0.00	0.00	0.00	0
PM Pk Hr, Generator, Enter	0.87	0.00	0.00	0.00	0
PM Pk Hr, Generator, Exit	0.49	0.00	0.00	0.00	0
PM Pk Hr, Generator, Total	1.37	0.00	0.00	0.00	0
Saturday 2-Way Volume	11.79	0.00	0.00	0.00	0
Saturday Peak Hour Enter	0.87	0.00	0.00	0.00	0
Saturday Peak Hour Exit	0.74	0.00	0.00	0.00	0
Saturday Peak Hour Total	1.62	0.00	0.00	0.00	0
Sunday 2-Way Volume	8.18	0.00	0.00	0.00	0
Sunday Peak Hour Enter	0.61	0.00	0.00	0.00	0
Sunday Peak Hour Exit	0.54	0.00	0.00	0.00	0
Sunday Peak Hour Total	1.15	0.00	0.00	0.00	0

Note: A zero indicates no data available.  
 The above rates were calculated from these equations:

24-Hr. 2-Way Volume:  $LN(T) = .92LN(X) + 2.71, R^2 = 0.96$   
 7-9 AM Peak Hr. Total:  $T = .7(X) + 9.43$   
 $R^2 = 0.89, 0.25$  Enter, 0.75 Exit  
 4-6 PM Peak Hr. Total:  $LN(T) = .9LN(X) + .53$   
 $R^2 = 0.91, 0.63$  Enter, 0.37 Exit  
 AM Gen Pk Hr. Total:  $T = .7(X) + 12.05$   
 $R^2 = 0.89, 0.26$  Enter, 0.74 Exit  
 PM Gen Pk Hr. Total:  $LN(T) = .89LN(X) + .61$   
 $R^2 = 0.91, 0.64$  Enter, 0.36 Exit  
 Sat. 2-Way Volume:  $LN(T) = .94LN(X) + 2.63, R^2 = 0.93$   
 Sat. Pk Hr. Total:  $T = .89(X) + 10.93$   
 $R^2 = 0.9, 0.54$  Enter, 0.46 Exit  
 Sun. 2-Way Volume:  $T = 8.83(X) + -9.76, R^2 = 0.94$   
 Sun. Pk Hr. Total:  $LN(T) = .89LN(X) + .44$   
 $R^2 = 0.88, 0.53$  Enter, 0.47 Exit

Source: Institute of Transportation Engineers  
 Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTR

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DCI 2006-00089



**DAVID DOUGLAS ASSOCIATES, INC.**  
**ENGINEERS • CONTRACT ADMINISTRATORS • PLANNERS**

VILLAS @ HIDDEN HARBOR  
 Summary of Trip Generation Calculation  
 For 15 Dwelling Units of Single Family Detached Housing  
 September 22, 2006

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	12.10	0.00	1.00	182
7-9 AM Peak Hour Enter	0.33	0.00	1.00	5
7-9 AM Peak Hour Exit	1.00	0.00	1.00	15
7-9 AM Peak Hour Total	1.33	0.00	1.00	20
4-6 PM Peak Hour Enter	0.82	0.00	1.00	12
4-6 PM Peak Hour Exit	0.48	0.00	1.00	7
4-6 PM Peak Hour Total	1.30	0.00	1.00	19
Saturday 2-Way Volume	11.79	0.00	1.00	177
Saturday Peak Hour Enter	0.87	0.00	1.00	13
Saturday Peak Hour Exit	0.74	0.00	1.00	11
Saturday Peak Hour Total	1.62	0.00	1.00	24

Note: A zero indicates no data available.  
 The above rates were calculated from these equations:

24-Hr. 2-Way Volume:  $LN(T) = .92LN(X) + 2.71, R^2 = 0.96$   
 7-9 AM Peak Hr. Total:  $T = .7(X) + 9.43$   
 $R^2 = 0.89, 0.25$  Enter, 0.75 Exit  
 4-6 PM Peak Hr. Total:  $LN(T) = .9LN(X) + .53$   
 $R^2 = 0.91, 0.63$  Enter, 0.37 Exit  
 AM Gen Pk Hr. Total:  $T = .7(X) + 12.05$   
 $R^2 = 0.89, 0.26$  Enter, 0.74 Exit  
 PM Gen Pk Hr. Total:  $LN(T) = .89LN(X) + .61$   
 $R^2 = 0.91, 0.64$  Enter, 0.36 Exit  
 Sat. 2-Way Volume:  $LN(T) = .94LN(X) + 2.63, R^2 = 0.93$   
 Sat. Pk Hr. Total:  $T = .89(X) + 10.93$   
 $R^2 = 0.9, 0.54$  Enter, 0.46 Exit  
 Sun. 2-Way Volume:  $T = 8.83(X) + -9.76, R^2 = 0.94$   
 Sun. Pk Hr. Total:  $LN(T) = .89LN(X) + .44$   
 $R^2 = 0.88, 0.53$  Enter, 0.47 Exit

Source: Institute of Transportation Engineers  
 Trip Generation, 7th Edition, 2003.

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DCI 2006-00089



**DAVID DOUGLAS ASSOCIATES, INC.**  
**ENGINEERS • CONTRACT ADMINISTRATORS • PLANNERS**

VILLAS @ HIDDEN HARBOR  
 Summary of Average Vehicle Trip Generation  
 For 15 Dwelling Units of Single Family Detached Housing  
 September 22, 2006

	24 Hour Two-Way Volume	7-9 AM Pk Hour		4-6 PM Pk Hour	
		Enter	Exit	Enter	Exit
Average Weekday	182	5	15	12	7
	24 hour Two-Way Volume	Peak Hour			
		Enter	Exit		
Saturday		177	13	11	
Sunday		123	9	8	

Note: A zero indicates no data available.  
 The above rates were calculated from these equations:

24-Hr. 2-Way Volume:  $LN(T) = .92LN(X) + 2.71, R^2 = 0.96$   
 7-9 AM Peak Hr. Total:  $T = .7(X) + 9.43$   
 $R^2 = 0.89, 0.25$  Enter, 0.75 Exit  
 4-6 PM Peak Hr. Total:  $LN(T) = .9LN(X) + .53$   
 $R^2 = 0.91, 0.63$  Enter, 0.37 Exit  
 AM Gen Pk Hr. Total:  $T = .7(X) + 12.05$   
 $R^2 = 0.89, 0.26$  Enter, 0.74 Exit  
 PM Gen Pk Hr. Total:  $LN(T) = .89LN(X) + .61$   
 $R^2 = 0.91, 0.64$  Enter, 0.36 Exit  
 Sat. 2-Way Volume:  $LN(T) = .94LN(X) + 2.63, R^2 = 0.93$   
 Sat. Pk Hr. Total:  $T = .89(X) + 10.93$   
 $R^2 = 0.9, 0.54$  Enter, 0.46 Exit  
 Sun. 2-Way Volume:  $T = 8.83(X) + -9.76, R^2 = 0.94$   
 Sun. Pk Hr. Total:  $LN(T) = .89LN(X) + .44$   
 $R^2 = 0.88, 0.53$  Enter, 0.47 Exit

Source: Institute of Transportation Engineers  
 Trip Generation, 7th Edition, 2003.

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DCI 2006-00089



# DAVID DOUGLAS ASSOCIATES, INC.

**ENGINEERS • CONTRACT ADMINISTRATORS • PLANNERS**

VILLAS @ HIDDEN HARBOR  
 Summary of Trip Generation Calculation  
 For 15 Dwelling Units of Single Family Detached Housing  
 September 22, 2006

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	12.10	0.00	1.00	182
7-9 AM Peak Hour Enter	0.33	0.00	1.00	5
7-9 AM Peak Hour Exit	1.00	0.00	1.00	15
7-9 AM Peak Hour Total	1.33	0.00	1.00	20
4-6 PM Peak Hour Enter	0.82	0.00	1.00	12
4-6 PM Peak Hour Exit	0.48	0.00	1.00	7
4-6 PM Peak Hour Total	1.30	0.00	1.00	19
AM Pk Hr, Generator, Enter	0.39	0.00	1.00	6
AM Pk Hr, Generator, Exit	1.11	0.00	1.00	17
AM Pk Hr, Generator, Total	1.50	0.00	1.00	23
PM Pk Hr, Generator, Enter	0.87	0.00	1.00	13
PM Pk Hr, Generator, Exit	0.49	0.00	1.00	7
PM Pk Hr, Generator, Total	1.37	0.00	1.00	20
Saturday 2-Way Volume	11.79	0.00	1.00	177
Saturday Peak Hour Enter	0.87	0.00	1.00	13
Saturday Peak Hour Exit	0.74	0.00	1.00	11
Saturday Peak Hour Total	1.62	0.00	1.00	24
Sunday 2-Way Volume	8.18	0.00	1.00	123
Sunday Peak Hour Enter	0.61	0.00	1.00	9
Sunday Peak Hour Exit	0.54	0.00	1.00	8
Sunday Peak Hour Total	1.15	0.00	1.00	17

Note: A zero indicates no data available.  
 The above rates were calculated from these equations:

24-Hr. 2-Way Volume:  $LN(T) = .92LN(X) + 2.71, R^2 = 0.96$   
 7-9 AM Peak Hr. Total:  $T = .7(X) + 9.43$   
 $R^2 = 0.89, 0.25$  Enter, 0.75 Exit  
 4-6 PM Peak Hr. Total:  $LN(T) = .9LN(X) + .53$   
 $R^2 = 0.91, 0.63$  Enter, 0.37 Exit  
 AM Gen Pk Hr. Total:  $T = .7(X) + 12.05$   
 $R^2 = 0.89, 0.26$  Enter, 0.74 Exit  
 PM Gen Pk Hr. Total:  $LN(T) = .89LN(X) + .61$   
 $R^2 = 0.91, 0.64$  Enter, 0.36 Exit  
 Sat. 2-Way Volume:  $LN(T) = .94LN(X) + 2.63, R^2 = 0.93$   
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 $R^2 = 0.9, 0.54$  Enter, 0.46 Exit  
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 Sun. Pk Hr. Total:  $LN(T) = .89LN(X) + .44$   
 $R^2 = 0.88, 0.53$  Enter, 0.47 Exit

Source: Institute of Transportation Engineers  
 Trip Generation, 7th Edition, 2003.

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**Hans Wilson & Associates, Inc.**

**Marine & Environmental Consultants**

1938 Hill Avenue • Fort Myers, Florida 33901

(239) 334-6870 • FAX (239) 334-7810

Mr. Kipp Frohlich  
Office of Imperiled Species Management  
Florida Fish and Wildlife Conservation Commission  
620 South Meridian Street  
Mail Station 6-A  
Tallahassee, FL 32399

Subject: Mullock Creek Marina – Slip Vesting

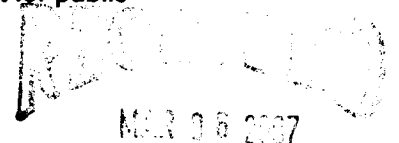
Dear Kipp,

I hope this letter finds you in good spirits. As I mentioned in my email I want to touch base with you regarding vesting of boat slips with properties operating as marinas prior to the county Manatee Protection Plan (MPP) going into place. Previously we used to go through the Dept. of Community Affairs because of concerns regarding DRI's. Now that legislation has passed exempting marinas from the DRI process, we no longer go to them for vesting verification. Lee County has indicated that they are not going to exercise any capacity to vest properties in existence prior to the MPP and is going to be looking at FWCC as the vesting authority.

Mullock Creek Marina is an existing commercial marina located at 18501 Mullock Creek Lane, Fort Myers in Section 18, Township 46 South, Range 25 East, Lee County, Florida. The marina is located on an artificially created waterway, immediately adjacent to Mullock Creek, and provides wet slips, open land dry storage, and a boat ramp. Lee County has identified this site as being a Water Dependent Overlay Zone. According to the Natural Resource Conservation Service (NRCS) and Lee County historic aerials (copies attached), between 1958 and 1966, the artificial canal was created.

The current owner and operator are attempting to determine what their options are for the upgrade and re-development of the site. We are also attempting to secure some manner of a vesting for uses of the site relative to the county MPP to be able to plan accordingly. As I mentioned before, the county is looking to the FWCC for verification of slip counts. This is important for a number of reasons. We need to know what we can maintain at the site, which could be potentially less than exists today. This might be good for manatees using Mullock Creek, but bad for boaters on the east side of Estero Bay that have limited public access locations.

Equally as important, if we cannot maximize our existing slips at Mullock Creek, we need to be able to transfer slips out of the Mullock Creek/Hendry Creek basin to other locations that might be able to use the slips, particularly if they are held out for public



use. That achieves my goal of keeping as many slips open to the public as possible, but also allows the current owners to maximize their site in the most economical terms.

The following table depicts the marina's activities from 1980 to 2005.

**Table 1: Marina Activities According to Lee County Historical Aerials**

<b>Year</b>	<b>Moored Boats</b>	<b>Available Wet Slips</b>	<b>Upland Storage</b>	<b>Total</b>
1980	5	10	5	20**
1981	11	7	16	34
1984	17	5	29	51
1986	20	5	15	40
1990	14	9	41	64
1993	9	13	16	38
1996	12	11	25	48
1998	13	9	29	51
1999	13	9	25	47
2002	14	8	29	51
2005	15	6	57	78

\*\* Note: The total available wet slips shown on the 1980 aerial are obscured by the canopy of a large tree along the shoreline.

The Lee County historical aerials indicate that this marina has been in operation since 1975. The number of slips available for wet mooring is essentially fixed around 25. The number of available spaces for launching at the boat ramp or open land storage is somewhat unlimited based on the available land space. The 2005 aerial shows up to 57 boats on the site, not including the two empty trailers associated with the boat ramp at that moment in time.

It is clear from the aerial photographs that use of the site is continuing to increase. Today we continue to operate the wet slips, upland storage, and boat ramp open to the public. We would agree to cap our total slip count to the 78 slips shown on the 2005 aerial, limiting any further exposure to manatee impacts from boats traveling in the Mullock Creek and Hendry Creek channels, although they are speed restricted.

We would like to seek concurrence from the FWCC to establish our working slip counts and plan our site accordingly. If you have any questions on our estimates or would like additional information, please let me know.

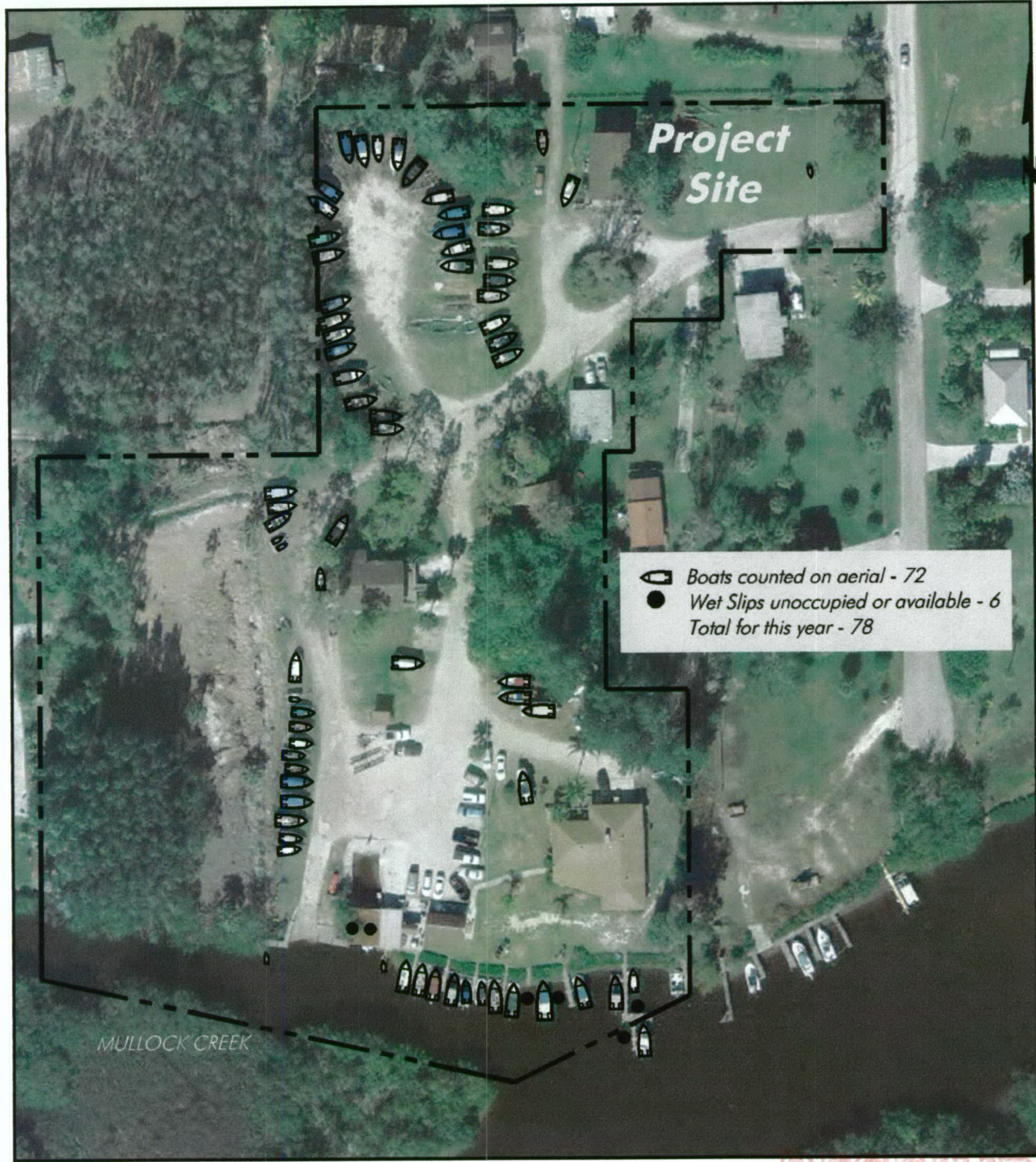
Regards,

Hans Wilson, P.E.

Copy: John Lesousky

Enclosures





**2005 Aerial Photograph**

Scale 1" = 100'

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COMMUNITY DEVELOPMENT  
February 06, 2007 3:18:54 p.m.  
Drawing: LESOUSHISTORICAERIALS.DWG (CC)

**HANS WILSON & ASSOC., INC.**  
1938 Hill Avenue Ft. Myers, Florida 33901  
Tel: 941-334-6870 Fax: 941-334-7810  
MARINE and ENVIRONMENTAL CONSULTANTS

2.6.07

**Mullock Creek  
Marina**

SHEET

DCI 2006-00089

 **LEE COUNTY**  
SOUTHWEST FLORIDA

(239) 479-8109

**BOARD OF COUNTY COMMISSIONERS**

Bob James  
District One

January 30, 2007

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Douglas R. St. Cerny  
District Two

Ms. Erica Maynard  
Hans Wilson & Associates, Inc.  
1938 Hill Avenue  
Fort Myers, Florida 33901

Ray Judah  
District Three

Tammy Hall  
District Four

John E. Albion  
District Five

**SUBJECT: Manatee Plan Project Results**

Donald D. Stilwell  
County Manager

Dear Ms. Maynard:

David M. Owen  
County Attorney

I have reviewed the LESOUS-5 project located at 18501 Mullock Creek Lane, Ft. Myers, FL against the approved Lee County Manatee Protection Plan.

Diana M. Parker  
County Hearing Examiner

In evaluation of the project, the available data finds that the project location does not meet the requirement of -4 MLW for ingress and egress pathways. Therefore the project has inadequate water depth (IWD).

However, it appears that there are pre-existing dock structures and a marina facility currently operating at the site. Reconfiguration and/or repair of any slips for which there are current, valid permits is consistent with the MPP. Construction of any new docks above those already permitted is prohibited in accordance with the MPP due to the inadequate water depth.


Please note that I have made assumptions based upon GIS data about project depths that may need to be specifically addressed by the applicant. Actual conditions different than those assumed in the evaluation change the project outcomes. A resubmitted request accompanied by more detailed bathymetric depths that show the required water depth can alter the outcome. Additionally, the State of Florida may allow for some construction of new slips through the use of draft restrictions that may be consistent with the MPP.

Please let me know if you have any questions or if you need any additional assistance.


Sincerely,

  
Justin D. McBride  
LEE COUNTY PUBLIC WORKS  
Division of Natural Resources - Marine Program

cc: MPP Project Comment Letters File

 Recycled Paper

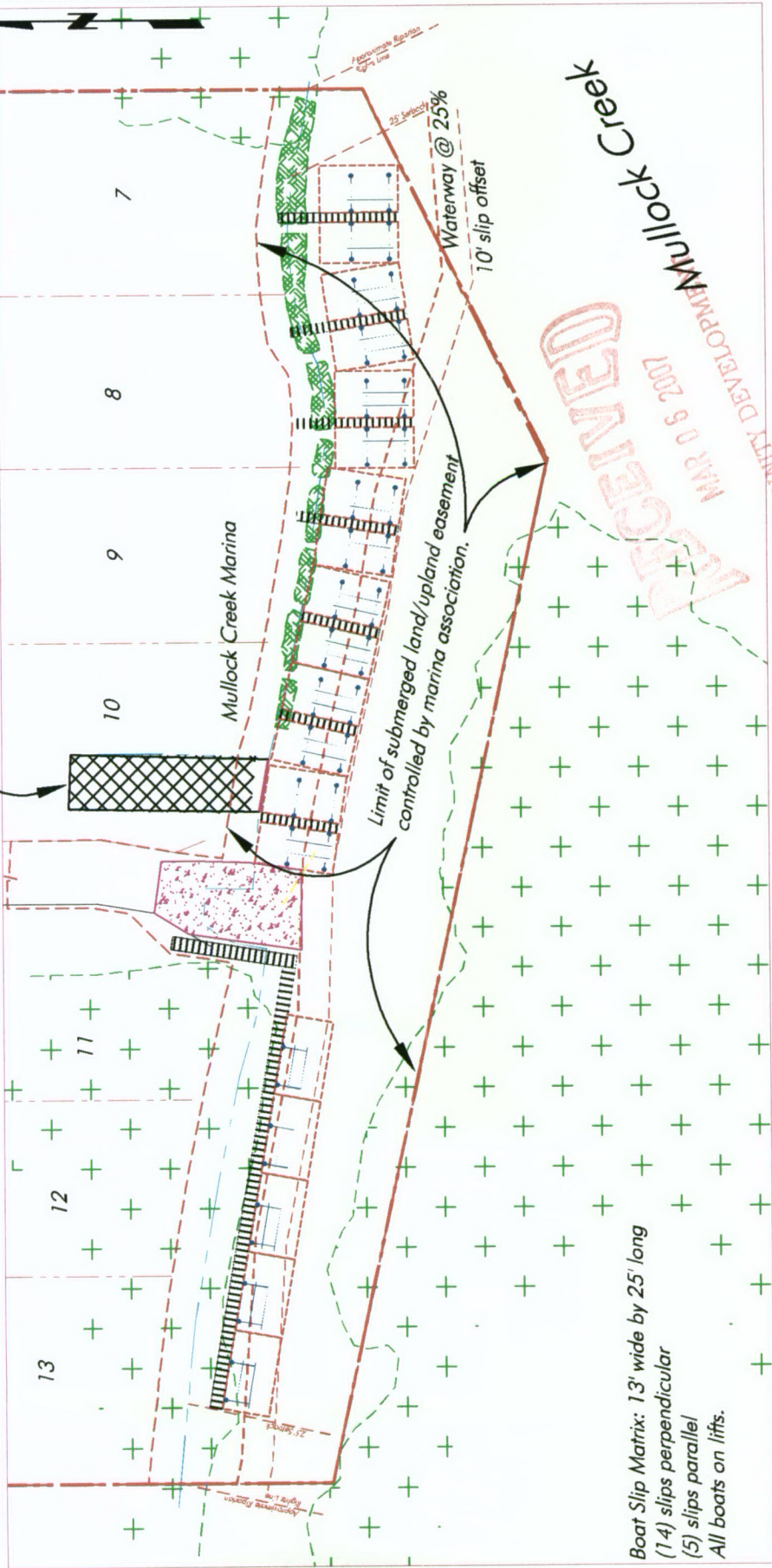
P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111  
Internet address <http://www.lee-county.com>  
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

  
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001 2006-00089

0 25' 50'  
SCALE FEET

Place seawall panel at entrance to basin and backfill with clean sand.



Boat Slip Matrix: 13' wide by 25' long  
(14) slips perpendicular  
(5) slips parallel  
All boats on lifts.

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## Proposed Dock Plan

SCALE: 1" = 50'

DCI 2006-00089

HANS J.M. WILSON  
REGISTERED PROFESSIONAL ENGINEER  
FLORIDA REGISTRATION NO. 39680  
DATE: February 21, 2004, 6:14:45 a.m.  
Drawing: DDA-1 PLANDWG

PERMIT USE ONLY, NOT FOR CONSTRUCTION

**HANS WILSON & ASSOC., INC.**  
1938 Hill Ave. Ft. Myers, Florida 33901  
Tel: 239-334-6870 Fax: 239-334-7810  
MARINE and ENVIRONMENTAL CONSULTANTS



**Mullock Creek Marina**

2.5.07

SHEET

# Environmental Assessment

(Lee County File No. DCI2006-00089)

*Prepared For:*

**Pinnacle Construction Company**  
2715 E. Oakland Park Blvd., Suite 201  
Fort Lauderdale, FL 33306

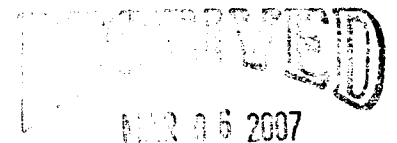
*Site Location:*

**5.3 Acre Parcel**  
Section 18, Twp. 46 S., Rng. 25 E.  
Lee County, Florida

*Prepared By:*

**Mr. Jeffrey Adair**  
Environmental Restoration Consultants, Inc.  
24571 Redfish Street  
Bonita Springs, FL 34134  
Phone: (239) 287-2706

February 6, 2007



COMMUNITY DEVELOPMENT



**Environmental Restoration Consultants, Inc.**

**DCI 2006-00089**



## Environmental Restoration Consultants, Inc.

February 6, 2007

Mr. John Lesousky, President  
Pinnacle Construction Company  
2715 E. Oakland Park Blvd., Suite 201  
Ft. Lauderdale, FL 33306



Re: Environmental Assessment-Update; 5.3 Acre Parcel  
Lee County No. DCI2006-00089; Villas at Hidden Harbor Marina  
Strap Nos. 18-46-25-00-00020.0100 and 18-46-25-00-00020.0110, Lee County, Florida

COMMUNITY DEVELOPMENT

Dear Mr. Lesousky:

On behalf of Pinnacle Construction Company, Environmental Restoration Consultants, Inc. (ERC) performed a site inspection of the above referenced parcel on January 31, 2007. The purpose of the field visit was to assess site conditions and update our previous January 27, 2005 letter report. Although much of the information is unchanged, this report is more comprehensive in scope and also serves to address certain concerns poised in Lee County's November 20, 2006 correspondence. Based on the site inspection and Lee County's comments, only minor revisions to the FLUCCS map have been made, and include clarification of drainage conveyance and jurisdictional areas (hatched). Site photographs characterize many of the FLUCCS categories. Our review also addresses wildlife issues associated with the project in accordance with the LDC.

### Site Location

The site is located in south Fort Myers, west of US 41 and just east of Ten Mile Canal, on the north side of Mullock Creek, Section 18, Township 46 South., Range 25 East, Lee County, Florida. The parcel is generally bounded by single-family development, with Mullock Creek comprising the southern perimeter. Vehicular access from US 41 is west on Park Road; south on Creek Drive; and southwest down Mullock Creek Lane to the Marina.

### Vegetation/Land Use

The marina facilities that comprise the eastern portion of site encompass several structures, varying in use from office to residential, and including a covered pavilion. Petroleum storage tanks and restrooms were also noted. However, the majority of this area is used for short term vehicular and boat trailer parking, as well as long term boat storage. Parking surfaces include dirt and grass. Scattered slash pine (*Pinus elliottii*), cabbage palm (*Sabal palmetto*), and melaleuca (*Melaleuca quinquenervia*) exist throughout the site, and only sparse landscaping exists around some of the structures. A narrow mangrove hedge is also notable along Mullock Creek and the dock facility. This area remains unchanged since the January 27, 2005 letter report.

The northern and eastern portions of the vacant western parcel were cleared of exotic vegetation prior to our January 21, 2005 site inspection. Debris and stumps remain from these activities,

DCI 2006-00089

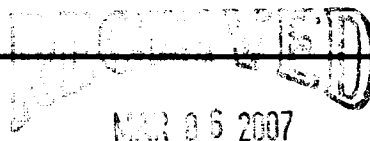
24571 Redfish Street, Bonita Springs, Florida 34134  
Office: (239) 992-0086 e-mail: ERCinc@comcast.net

although re-generation and recruitment of exotic and weedy species has been significant and include Brazilian pepper (*Schinus terebinthifolius*), Australian pine (*Casuarina equisetifolia*), dogfennel (*Eupatorium capillifolium*), and Caesar weed (*Urena lobata*). A dense stand of Australian pine exists in the southwest corner of the property and fringe of exotic vegetation remains along the west and a portion of the north perimeter. The substrate is disturbed along the east side of the vacant parcel, which is lower in elevation than the rest of this area. A man-made ditch is also evident, extending north into the parcel from Mullock Creek. A narrow mangrove fringe exists along Mullock Creek and extends into the ditch. The "approximate" location of these ditches and apparent conveyance are indicated on the FLUCCS map.

As a reference tool, the site is considered to have following vegetation communities/land uses in accordance with the Florida Land Use, Cover and Forms Classification System (FLUCCS; FDOT, 1999): Marinas (1841), Disturbed Lands (740); Australian pine (437); Melaleuca/Brazilian Pepper (424/422); Borrow Area/Mangrove (742/612); Streams and Waterways (510). The location of each FLUCCS category is indicated on the enclosed FLUCCS Map (respective acreages or considered approximate). Vegetation characterizing the site is listed in the table below. The current FLUCCS map utilizes the Lee County 2005 aerial imagery.

#### Vegetation Communities

FLUCCS Community (Code)	Percent Coverage	Location/Comments
Marinas (1841) 3.38 acres Photos 1 and 5	63.6%	Clusters and individual specimens of exotic and native shrubs and trees are scattered throughout the parcel. Representative vegetation includes slash pine ( <i>P. elliotii</i> ), cabbage palm ( <i>S. palmetto</i> ), melaleuca ( <i>M. quinquenervia</i> ), Australian pine ( <i>C. equisetifolia</i> ), Brazilian pepper ( <i>S. terebinthifolius</i> ), and several strangler fig ( <i>Ficus aurea</i> ). The midstory was generally lacking. Other impervious areas consisted of small yards or grassed parking. Heavily used areas were barren.
Disturbed Lands (740) 0.84 acre Photos 2 and 3	15.8%	Ground elevation variable ( $\approx 18''$ ) do to previous disturbance. Canopy generally lacking, as area was apparently cleared in late 2004; scattered cabbage palm noted. Midstory consists of young Australian pine, Brazilian pepper, and dogfennel; saltbush noted. Common ground cover includes Caesar weed, various grasses, Spanish needles, and ragweed, although camphorweed and scattered cattail were noted.
Australian Pine (437) 0.34 acre Photo 4	6.4%	Dense canopy and midstory of Australian pine. Pine needles provide relatively dense ground litter.

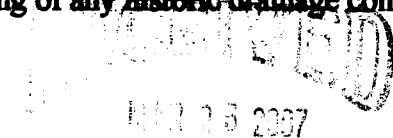


FLUCCS Community (Code)	Percent Coverage	Location/Comments
Melaleuca/Brazilian Pepper (424/422) 0.24 acre	4.5%	Narrow perimeter areas dominated by melaleuca and Brazilian pepper with scattered Australian pine and some earleaf acacia. A stand of seaside mahoe ( <i>Thespesia populnea</i> ) is also located along the east perimeter.
Borrow Area/Mangrove (742/612) 0.04 acre Photo 4	0.8%	Dominant canopy and midstory is red mangrove ( <i>Rhizophora mangle</i> ), although white mangrove ( <i>Laguncularia racemosa</i> ), black mangrove ( <i>Avicennia germinans</i> ), and buttonwood ( <i>Conocarpus erectus</i> ) were noted. Ground cover was generally barren and consisted of prop roots and pneumatophores. Sunken vessel and rusting 44 gal. drum partially block mouth of excavated area. Further, canopy overhang and shallow water depth do not make this small enclave conducive to any form of navigation. Embankments vary from 2' to 5', and are encompassed by Australian pine and Brazilian pepper.
Streams and Waterways (510) 0.47 acre Photo 1	8.9%	Open water. Narrow mangrove (wetland) and/or riprap fringe distinguishes the limits of this community from adjacent communities and land uses. Note that the actual wetland jurisdiction line appears to be located "within" the hedge, skewed to the landward side.

Please note that although our January 27, 2005 report describes the borrow area/ditch (742) as being dominated by mangroves, we have now included the mangrove FLUCCS code (612) to the FLUCCS map in case the report and map are reviewed independent of each other. In addition, surface waters and/or wetland areas considered jurisdictional to the SFWMD and/or Corps of Engineers are "hatched" on the FLUCCS map (510 and 742/612). The ditch is also jurisdictional.

Due to historic clearing, degradation by exotic vegetation, commercial and residential land use, and other direct and secondary anthropogenic impacts (i.e. ditching, habitat fragmentation), the site does not encompass "unique" upland communities. The site does contain cabbage palm having a minimum 8' of clear trunk (c.t.), or more, as well as several large slash pine that likely meet the 20" dbh heritage tree criteria. The location and caliber of the slash pine may need to be identified in the future for site design and subsequent Lee County review purposes.

Subsequent to submittal of an Environmental Resource Permit (ERP) application to the SFWMD and Corps, and meeting the avoidance and minimization criteria, impacts to borrow/mangrove area (742/612) and ditch will like be considered permissible with appropriate mitigating measures. Re-routing of any historic drainage conveyances will need to be permitted via the SFWMD.



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ERC, Inc. has not been assigned to the shoreline stabilization or dock facility design, and therefore can not address these particular environmental issues of the November 20, 2006 RAI.

**Soil Types**

Review of the Soil Survey of Lee County, Florida (SCS-USDA, 1981) indicates that historically the majority of the site to underlain by "Boca fine sand" (13) and the southern portion in the vicinity of Mullock Creek to be underlain by "Isles muck" (56). The SCS considers "Boca fine sand" to be an upland soil type, while Isles muck is classified as hydric. The location of the soil types are depicted on the enclosed Soil Map.

**Wildlife**

A field investigation was performed to identify potential critical habitat and/or note any direct observations or signs of protected wildlife species as designated by the Florida's Endangered Species, Threatened Species, and Species of Special Concern (FWCC, January 29, 2004), and by the Lee County Land Development Code (LDC), Appendix H – Protected Species List. Designation of a particular habitat type on-site relative to the associated species listed in the LDC indicates the potential for such species to reside and/or forage on-site and is used as a review "tool" by Lee County environmental staff and other agencies, but by no means indicates that such species utilize the site. The table below lists habitat types existing on-site and potential species affiliated with the respective community. In addition, species not associated with a generalized FLUCCS category, but frequently affiliated with particular site conditions (i.e. gopher tortoises with berms/spoil areas), are also listed based on existing landscape features observed during the inspection. Based on the information provided herein, or otherwise known or deemed necessary, the agencies may require species specific surveys during review of any proposed project.

**Potential Protected Species**

FLUCCS	Fauna/Flora	Status			Observed		Comments
		Lee	FWC	FWS	Yes	No	
Marinas (1841)		-	-	-	-	-	FLUCCS category 1841 is not recognized as critical habitat for protected species.
Disturbed Lands (740)	Gopher tortoise	L	SSC	-		x	This FLUCCS category is not recognized as critical habitat for gopher tortoise or the American alligator. Although the potential presence is low for both species, spoil areas should be occasionally monitored for the presence of gopher tortoise, and because of its immediate proximity to open water and mangrove swamp, there is potential for alligator to nest and/or bask.
	American alligator	L	SSC	-		x	

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Australian Pine (437)		-	-	-	-	-	FLUCCS category 437 is not recognized as critical habitat for protected species.
Melaleuca/Brazilian Pepper (424/422)		-	-	-	-	-	FLUCCS categories 424/422 are not recognized as critical habitats for protected species.
Borrow Area/Mangrove (742/612)	American alligator	L	SSC	T		x	Potential high
	Roseate spoonbill	L	SSC	-		x	Potential low; not preferred foraging habitat; canopy limited
	Limpkin	L	SSC	-		x	Potential low; typical of freshwater habitats
	Little blue heron	L	SSC	-		x	Potential high; limited habitat present
	Reddish egret	L	SSC	-		x	Potential high; limited habitat present
	Snowy egret	L	SSC	-		x	Potential high; limited habitat present
	Tricolor heron	L	SSC	-		x	Potential high; limited habitat present
	White ibis	-	SSC	-		x	Potential high; limited habitat present
	Wood stork	L	E	E		x	Potential moderate; limited foraging habitat
	Brown pelican	-	SSC	-		x	Potential low; limited roosting and nesting habitat
Everglades mink	L	T	-		x	Not known in this area	
							FLUCCS category 742 is not recognized as critical habitat for protected species.

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Steams and Waterways (510)	American alligator	L	SSC	T	x	Potential high; potential use marina shoreline is low
	Roseate spoonbill	L	SSC	-	x	Potential low; shallow water areas along marina subject to routine disturbance
	Limpkin	L	SSC	-	x	Potential low; typical of freshwater habitats
	Little blue heron	L	SSC	-	x	Potential high; foraging habitat available
	Reddish egret	L	SSC	-	x	Potential high; foraging habitat available
	Snowy egret	L	SSC	-	x	Potential high; foraging habitat available
	Tricolor heron	L	SSC	-	x	Potential high; foraging habitat available
	White ibis	-	SSC	-	x	Potential high; foraging habitat available
	Brown pelican	-	SSC	-	x	Potential low; limited roosting and nesting habitat
	Everglades mink	L	T	-	x	Not known in this area
	Florida manatee	-	E	E	x	Potential high as conveyance
	Johnson's seagrass	-	-	T	x	Not known in this area

L = Listed in the Lee County, Protected Species List (Appendix H)  
E = Endangered (as designated by the FFWCC and/or USFWS)  
T = Threatened (as designated by the FFWCC and/or USFWS)  
SSC = Species of Special Concern (as designated by the FFWCC)

No observations or signs of protected species were revealed during the site visit, although the uses described above are considered relevant to the site. However, given the site's current land uses and disturbed and degraded nature, typical wildlife use is likely limited to small transient species and foraging wading birds. In addition, review of the FFWCC web site pertaining to bald eagle (*Haliaeetus leucocephalus*) nest locations appears to indicate that the project area is outside of any USFWS primary and secondary management zones (1,500' and 750' radii, respectively). As such, we are not aware of any federal management zones that affect the site.

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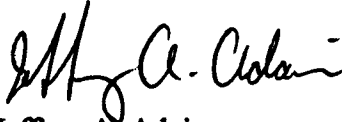
## **Recommendations**

Initial design and environmental permitting should consider the following:

1. Preparation and submittal of the Joint Environmental Resource Permit (ERP) application to the SFWMD and Corps of Engineers. Subsequently, agency jurisdictional inspections will be conducted and the wetland JD lines will require survey location;
2. No additional wildlife investigation is deemed necessary at this time. However, please note that regulatory agencies may require wildlife reports to be updated periodically, and that additional information may be required subsequent to Lee County review and/or submittal of the ERP application to the State;
3. All permits should be posted on the permit board prior to construction activities.

Should you have any questions regarding the site inspections or this report, please do not hesitate to contact me at 287-2706.

Sincerely,



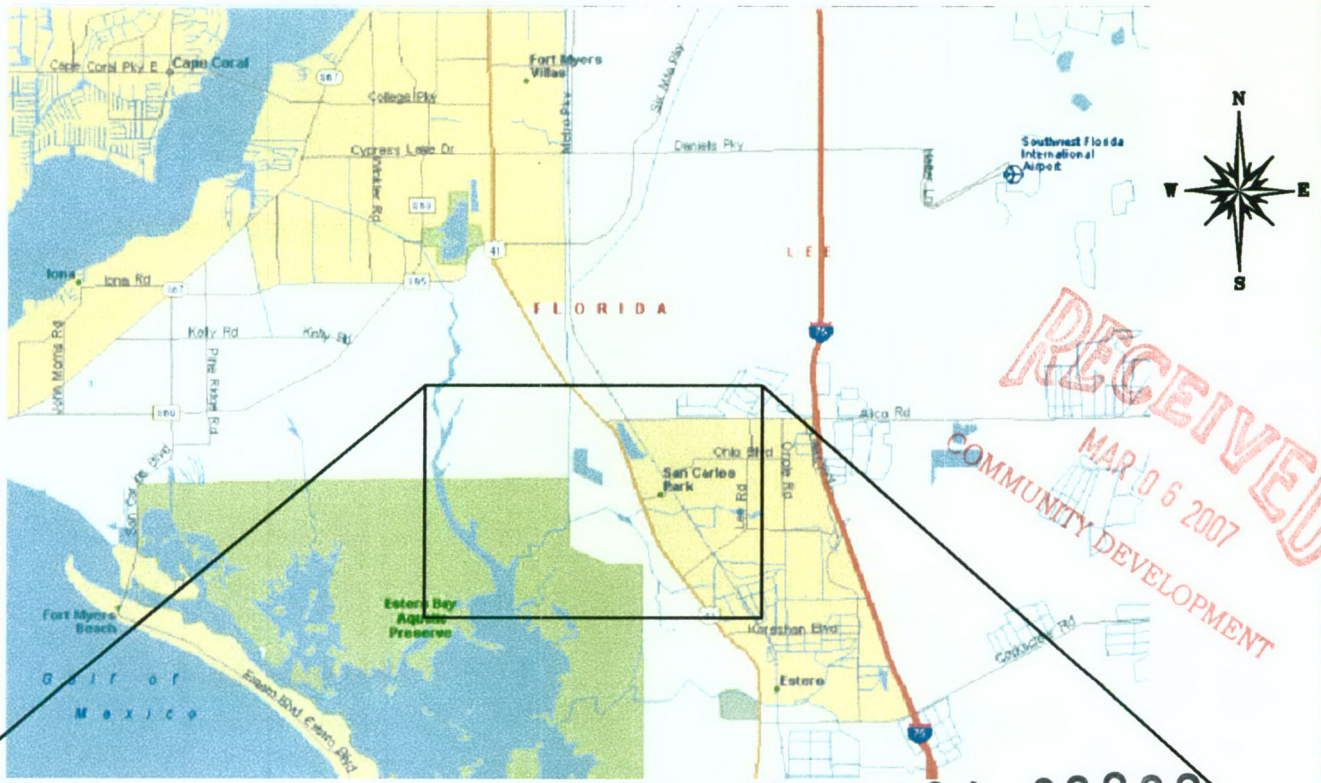
Jeffrey A. Adair  
President

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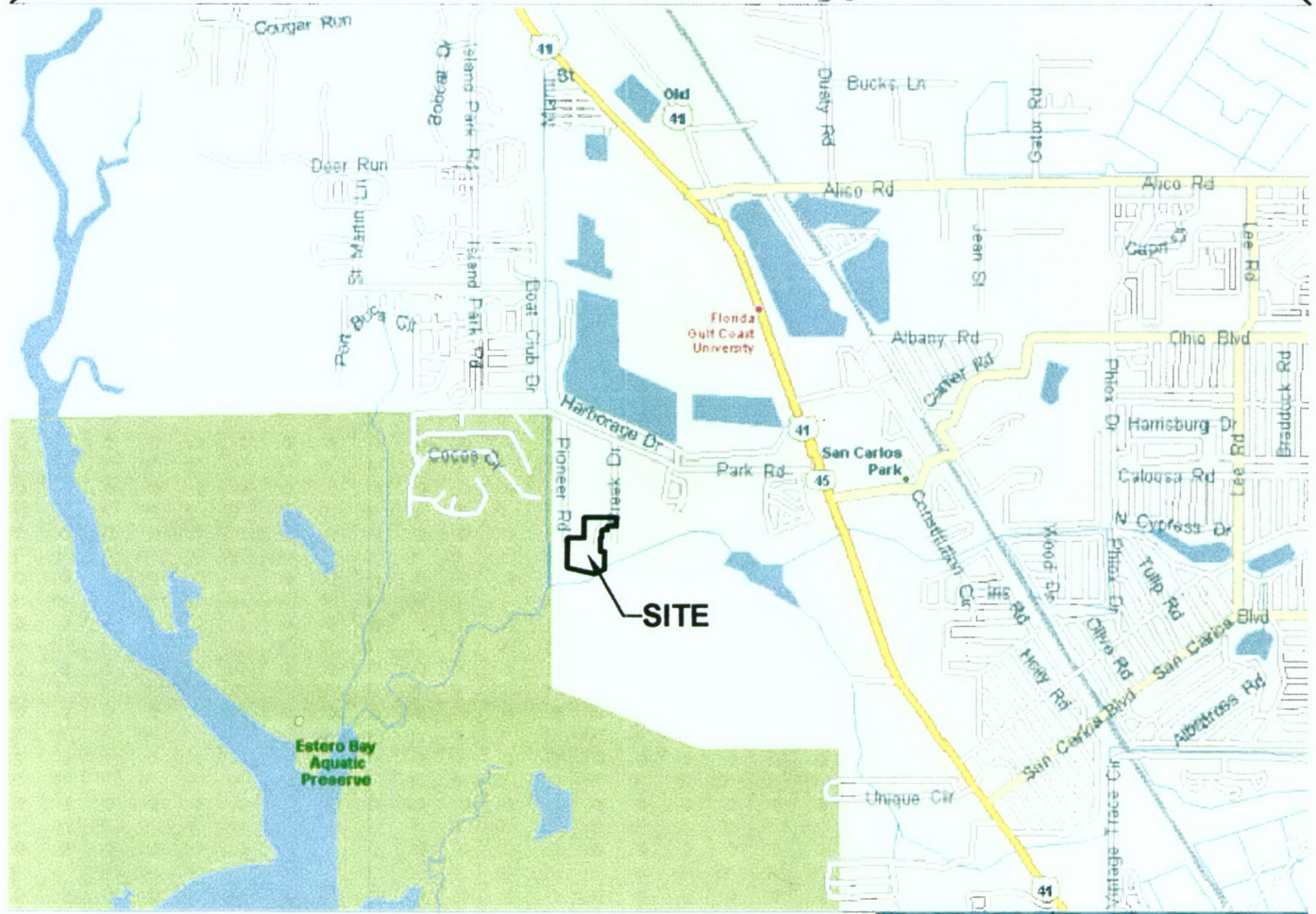
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2006-00089

VICINITY MAP



LOCATION MAP DCI 2006-00089



SCALE: N.T.S.	DESIGN BY: JAA DRAWN BY: DPB CHECKED BY: JAA DATE: 06/22/04	 <b>ENVIRONMENTAL RESTORATION CONSULTANTS, INC.</b> <small>2715 E. OAKLAND PARK BLVD., SUITE 201 FORT LAUDERDALE, FL 33308</small> <small>TEL: 352.287.2706 FAX: 352.287.2708</small> <small>EMAIL: ERCONS@COMCAST.NET</small>	P.O. BOX 110694 NAPLES, FL 34108 Telephone: 239.992.0088 Cell: 239.287.2706	CLIENT: PINNACLE CONSTRUCTION COMPANY 2715 E. OAKLAND PARK BLVD., SUITE 201 FORT LAUDERDALE, FL 33308	VILLAS at HIDDEN HARBOR MARINA (A.K.A. MULLOCK CREEK MARINA)  LEE COUNTY, FLORIDA SECTION 18 TOWNSHIP 46 S., RANGE 25 E.	DATE: 1/31/07 REVISIONS: PER JAN. 07 INSPECTION
CD FILE: Villas Hidden Harbor	MAPS		SHEET 1 of 8 Jeffrey A. Ador Environmental Restoration Consultants, Inc.	DATE: 1/31/07 REVISIONS: PER JAN. 07 INSPECTION ▲ ▲ ▲ ▲ ▲		



**LEGEND**

424/422	Melaleuca/Brazilian Pepper	0.24 Ac.
437	Australian Pine	0.34 Ac.
510	Streams and Waterways	0.47 Ac.
740	Disturbed Lands	0.84 Ac.
742/612	Borrow Areas / Mangrove	0.04 Ac.
1841	Marinas	3.38 Ac.

- State Jurisdictional (Professional Opinion)
- Stormwater Ditch - State Jurisdictional (Professional Opinion)
- Direction of Ditch Flow
- Photo Locations



TOTAL SITE = 5.31 ACRES

SCALE: 1"=100'	DESIGN BY: JAA DRAWN BY: DPB CHECKED BY: JAA DATE: 09/22/04	<b>ENVIRONMENTAL RESTORATION CONSULTANTS, INC.</b> <small>P.O. BOX 110994, NAPLES, FL 34108 Telephone: 239.992.0088 Cell: 239.287.2706 EMAIL: ERCSINC@COMCAST.NET</small>	<b>CLIENT:</b> <b>PINNACLE CONSTRUCTION COMPANY</b> 2715 E. OAKLAND PARK BLVD., SUITE 201 FORT LAUDERDALE, FL 33308	<b>VILLAS at HIDDEN HARBOR MARINA (A.K.A. MULLOCK CREEK MARINA)</b>  LEE COUNTY, FLORIDA SECTION 18 TOWNSHIP 46 S., RANGE 25 E.	DATE: 1/31/07	REVISIONS: PER JAN 07 INSPECTION
CAD FILE: Villas Hidden Harbor	MAPS				2 of 8	Jeffrey A. Adair

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**LEGEND**

- 13 Boca fine sand (upland)
- 56 Isles muck (hydric)

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SCALE: 1"=100' CAD FILE: Villas Hidden Harbor DWG NO: MAPS SHEET: 3 of 8	DESIGN BY: JAA DRAWN BY: DPB CHECKED BY: JAA DATE: 09/22/04  Jeffrey A. Adair	<p><b>ENVIRONMENTAL RESTORATION CONSULTANTS, INC.</b></p> <p><small>ERC is an Equal Opportunity Employer. M/F/V. All rights reserved. No part of this document may be reproduced without written permission from Environmental Restoration Consultants, Inc. All other rights reserved. This document is the property of Environmental Restoration Consultants, Inc. and shall not be distributed outside the project site without written permission from Environmental Restoration Consultants, Inc.</small></p>	P.O. BOX 110664, NAPLES, FL 34108 Telephone: 239.592.0086 Cell: 239.287.2708 EMAIL: ERCONS@COMCAST.NET	<b>CLIENT:</b> PINNACLE CONSTRUCTION COMPANY 2715 E. OAKLAND PARK BLVD., SUITE 201 FORT LAUDERDALE, FL 33306	<b>VILLAS at HIDDEN HARBOR MARINA (A.K.A. MULLOCK CREEK MARINA)</b> LEE COUNTY, FLORIDA SECTION 18 TOWNSHIP 46 S., RANGE 25 E.  <b>SOILS MAP</b>	DATE REVISIONS 1/31/07 PER JAN 07 INSPECTION _____ _____ _____ _____ _____
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PHOTO 1: View depicts surface water and wetland jurisdictional limits along Mullock Creek at the Marina facility. Embankment is stabilized by red mangrove hedge and riprap rubble.

SCALE: N.T.S.	DESIGN BY: JAA	<p>ENVIRONMENTAL RESTORATION CONSULTANCY S, INC.</p> <p>P.O. BOX 110984, NAPLES, FL 34108          Cell: 239.287.2708          EMAIL: ERCONS@COMCAST.NET</p> <p><small>THIS DOCUMENT IS THE PROPERTY OF ENVIRONMENTAL RESTORATION CONSULTANCY S, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ENVIRONMENTAL RESTORATION CONSULTANCY S, INC.</small></p>	DATE: 03/07	REASONS: PER JAN. 07 INSPECTION
CDU TITLE: Villas Hidden Harbor	CHECKED BY: JAA DATE: 08/22/04		CLIENT: PINNACLE CONSTRUCTION COMPANY 2715 E. OAKLAND PARK BLVD., SUITE 201 FORT LAUDERDALE, FL 33306	VILLAS at HIDDEN HARBOR MARINA (A.K.A. MULLOCK CREEK MARINA) LEE COUNTY, FLORIDA SECTION 18 TOWNSHIP 46 S., RANGE 25 E.
DWG NO: MAPS	DESIGNED BY: Jeffrey A. Adair			
SHEET: 4 of 8				PHOTO 1




**PHOTO 2: Drainage ditch distinguishes the western perimeter of the marina facility from vacant disturbed lands. The northern portion (shown) is rip-rapped and relatively free of vegetation, while the southern portion appears more restricted and overgrown with cattail.**

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SCALE: N.T.S. CAD FILE: Villas Hidden Harbor DWG NO: MAPS SHEET: 5 of 8		DESIGN BY: JAA DRAWN BY: DPR CHECKED BY: JAA DATE: 09/22/04	 <b>ENVIRONMENTAL RESTORATION CONSULTANTS, INC.</b> <small>Environmental Restoration Consultants, Inc. is a professional corporation, organized under the laws of the State of Florida. It is not a contractor. It is not a contractor. It is not a contractor.</small>	P.O. BOX 110984 NAPLES, FL 34108 Telephone: 239.892.0088 FAX: 239.892.2706 EMAIL: ERCONS@COMCAST.NET	<b>CLIENT:</b> PINNACLE CONSTRUCTION COMPANY 2715 E. OAKLAND PARK BLVD., SUITE 201 FORT LAUDERDALE, FL 33306	VILLAS at HIDDEN HARBOR MARINA (A.K.A. MULLOCK CREEK MARINA) LEE COUNTY, FLORIDA SECTION 18 TOWNSHIP 46 S., RANGE 25 E.	DATE: 10/1/07 REASONS PER JAN. 07 INSPECTION: <input checked="" type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input type="checkbox"/> I <input type="checkbox"/> J
PHOTO 2							


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**PHOTO 3: The disturbed lands have revegetated since 2005 with a proliferation of young Australian pine, Brazilian pepper, dogfennel, Caesar weed, and bahiagrass. Substrate grade is disturbed and variable.**

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SCALE: N.T.S. CAD FILE: Villas-Hidden-Harbor DWG NO: MAPS SHEET: 6 of 8	DESIGN BY: JAA DRAWN BY: DPB CHECKED BY: JAA DATE: 06/22/04  Jeffrey A. Adair	 <p><b>ENVIRONMENTAL RESTORATION CONSULTANTS, INC.</b>          P.O. BOX 110094          NAPLES, FL 34108          Phone: 239.267.2700          Fax: 239.267.2700          EMAIL: ERCONS@COMCAST.NET</p> <p><small>Environmental Restoration Consultants, Inc. is an Equal Opportunity Employer. Minorities and women are encouraged to apply. No agency fees will be charged.</small></p>	<p><b>CLIENT:</b>          PINNACLE CONSTRUCTION COMPANY          2715 E. OAKLAND PARK BLVD., SUITE 201          FORT LAUDERDALE, FL 33306</p>	<p>VILLAS at HIDDEN HARBOR MARINA          (A.K.A. MULLOCK CREEK MARINA)          LEE COUNTY, FLORIDA          SECTION 18 TOWNSHIP 46 S., RANGE 25 E.</p> <p style="text-align: right;">PHOTO 3</p>	DATE: 12/1/07 REVISIONS PER JAN. 07 INSPECTION: COMMUNITY DEVELOPMENT
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**PHOTO 4: Borrow area is dominated by mangroves and well defined by embankments. The dense Australian pine community is clearly visible on the right.**

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<b>SCALE:</b> N.T.S.	<b>DESIGN BY:</b> JAA	<b>DATE:</b> 09/22/04	<b>DATE:</b> 09/22/04	<b>REVISIONS:</b>	<b>DATE:</b>
<b>CAD FILE:</b> Villas Hidden-Harbor	<b>DRAWN BY:</b> DPB	<b>CHECKED BY:</b> JAA	<b>DATE:</b> 09/22/04	PER PLAN OF INSPECTION	
<b>DWG NO:</b> MAPS					
<b>SHEET:</b> 7 of 8					
			<b>Jeffrey A. Adgr</b>		
			<b>PHOTO 4</b>		
			<b>VILLAS at HIDDEN HARBOR MARINA (A.K.A. MULLOCK CREEK MARINA)</b>		
			<b>LEE COUNTY, FLORIDA</b>		
			<b>SECTION 18 TOWNSHIP 46 S., RANGE 25 E.</b>		
			<b>CLIENT:</b>		
			<b>PINNACLE CONSTRUCTION COMPANY</b>		
			<b>2715 E. OAKLAND PARK BLVD., SUITE 201</b>		
			<b>FORT LAUDERDALE, FL 33306</b>		
			<b>P.O. BOX 110084 NAPLES, FL 34108 Telephone: 239.062.0088 FAX: 239.437.2708 EMAIL: ENR@COMCAST.NET</b>		
			<b>ENVIRONMENTAL RESTORATION CONSULTANTS, INC.</b>		
			<small>THIS DOCUMENT IS THE PROPERTY OF ENVIRONMENTAL RESTORATION CONSULTANTS, INC. (ERC). IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ENVIRONMENTAL RESTORATION CONSULTANTS, INC. THE USER OF THIS DOCUMENT AGREES TO HOLD ERC HARMLESS FROM AND AGAINST ALL LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES, IN CONNECTION WITH THE USE OF THIS DOCUMENT.</small>		



**PHOTO 5:** Typical storage and housing facilities located within the property. Scattered mature slash pine and cabbage palm were observed, although stands of exotic vegetation and landscaping are more common.

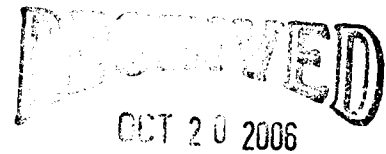
DCI 2006-00089

SCALE: N.T.S.	DESIGN BY: JAA		P.O. BOX 110984 NAPLES, FL 34108 PHONE: 239.261.0620 FAX: 239.261.2756 EMAIL: ERCONS@COMCAST.NET	CLIENT: PINNACLE CONSTRUCTION COMPANY 2715 E. OAKLAND PARK BLVD., SUITE 201 FORT LAUDERDALE, FL 33306	VILLAS at HIDDEN HARBOR MARINA (A.K.A. MULLOCK CREEK MARINA) LEE COUNTY, FLORIDA SECTION 18 TOWNSHIP 46 S., RANGE 25 E.	DATE: 1/31/07	REASONS: PER JAN. 07 INSPECTION
CAD FILE: Villas Hidden Harbor	DRAWN BY: DPB					DATE: 06/22/04	CHECKED BY: JAA
DWG NO: MAPS	ENVIRONMENTAL RESTORATION CONSULTANTS S, INC. <small>Environmental Restoration Consultants S, Inc. is an Equal Opportunity Employer. Minorities and women are encouraged to apply. All rights reserved. © 2004 Environmental Restoration Consultants S, Inc.</small>		SECTION 18 TOWNSHIP 46 S., RANGE 25 E.		PHOTO 5	REASONS: PER JAN. 07 INSPECTION	
SHEET: 8 of 8	Jeffrey A. Aguir					REASONS: PER JAN. 07 INSPECTION	

DCI 2006-00089

EXHIBIT D-7-J

**LEE PLAN COMPLIANCE**



COMMUNITY DEVELOPMENT

**Zoning Request and Project Description**

The applicant is requesting a zoning change from AG-2 and CM to Residential Planned Development (RPD) on a 5.31 acre parcel located on the west side of Creek Drive in San Carlos Park. The subject property has approximately 450 feet of frontage on Mullock Creek and the easterly portion of the site has been previously developed with five single family residences and a marina with a boat ramp and a bar. The proposed request would allow the site to be redeveloped with 15 single family homesites with a minimum lot size of 55' x 135' and a maximum building height of 35 feet. The existing boat ramp and existing docks will remain as recreational amenities for the project.

**Consistency with the Lee Plan**

The subject property is located within the Urban Community future land use category which is described as follows in the Lee Plan:

**POLICY 1.1.4:** The Urban Community areas are outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by ordinance No. 94-30)

All of the proposed uses are appropriate within the Urban Community future land use category and the requested density of 3.2 dwelling units per acre is within the standard density range. The proposed development is therefore consistent with Policy 1.1.4.

The rezoning request will also be consistent with these other goals, objectives, standards and policies set forth in the Lee Plan:

**OBJECTIVE 2.1: DEVELOPMENT LOCATION.** Contiguous and compact growth patterns shall be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30)

**OBJECTIVE 2.2: DEVELOPMENT TIMING.** Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and

permits (as defined in F.S. 163.3164(7)) shall be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Office. (Amended by Ordinance No. 94-30)

The subject property lies within the Urban Community future land use category and is surrounded by existing residential development. The rezoning request will therefore promote contiguous growth patterns in an existing urban area which already has the necessary infrastructure available to support the proposed development.

**POLICY 2.2.1:** Rezoning and development-of regional-impact proposals shall be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Amended by Ordinance No. 94-30)

The development will have access off of Creek Drive, approximately one-quarter mile south of Park Drive, a collector roadway which intersects with U.S. 41 Road to the east. Sewer and water will be provided from Lee County Utilities. Additional public facilities which are readily available include: fire protection (San Carlos Fire District), emergency medical services, (Lee County EMS) and police protection (Lee County Sheriff's Department).

**POLICY 5.1.5:** Protect existing and future residential areas from encroachment of uses that are potentially destructive to the character and integrity of the residential environment. If such uses are proposed in the form of a planned development and generally applicable development regulations are deemed to be inadequate, conditions shall be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application shall be denied altogether. Requests for conventional rezonings shall be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. The Land Development Code shall continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30)

The proposed development will be compatible with the surrounding residential uses and rezoning request will eliminate an existing commercial use which is presently destructive to the character and integrity of the existing residential environment.

**EXHIBIT D-7-K  
&  
EXHIBIT D-7-L**

**RECEIVED**

OCT 20 2006

COMMUNITY DEVELOPMENT

**COMPLIANCE WITH DESIGN STANDARDS  
AND DECISION MAKING GUIDELINES**

**DCI 2006-00089**

**Compliance with Design Standards**

The proposed development will comply with the General Design Standards set forth in Section 34-411 of the Lee County Land Development code as follows:

- a) The planned development is consistent with the provisions of the Lee Plan (refer to section on Lee Plan consistency contained in Exhibit D-7-J).
- b) The planned development will be designed and constructed in accordance with all applicable County development regulations.
- c) The planned development is compatible with adjacent uses and therefore will not negatively impact surrounding properties and the general public interest. The subject property is of adequate size to accommodate the proposed structures, all required open space, pedestrian ways, buffers, parking, access, on-site utilities, private recreational facilities, and water management areas.
- d) The planned development will have access off of Creek Drive, a local roadway that has sufficient capacity to handle the traffic generated by the proposed land use as well as the traffic generated by existing land uses.
- e) Public transit is not presently available to the subject property.
- f) The planned development will not create hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or any other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollution.
- g) Most of the subject property has been previously cleared to accommodate the existing development on site.
- h) The planned development will utilize open space and building setbacks to produce an architecturally integrated human environment.
- i) The planned development will not create any negative impacts on surrounding land uses.
- j) The planned development will be limited to 15 single family units and will be designed in a manner that will integrate the project with the existing residential development in the surrounding area.

EXHIBIT D-7-P

PROPOSED SCHEDULE OF USES  
AND  
PROPERTY DEVELOPMENT REGULATIONS

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OCT 20 2006

COMMUNITY DEVELOPMENT

Schedule of Uses

- Accessory uses and structures
- Dwelling units: single family
- Essential services
- Essential service facilities - group I
- Fences, walls
- Home occupation
- Multi-slip docking facility
- Model home
- Multi-slip docking facility and boat ramp (existing)
- Parking lot: accessory
- Real estate sales office
- Recreational facilities, personal and private
- Residential accessory uses
- Signs in accordance with Chapter 30
- Temporary construction/sales office

Property Development Regulations

- Minimum lot width: 55 feet
- Minimum lot depth: 135 feet
- Minimum lot area: 7,425 s.f.
- Minimum Setbacks:
  - Street (public): 25 feet
  - Street (private): 20 feet (15 feet side yard)
  - Side yard: 5 feet, 5 feet accessory structure
  - Rear yard: 20 feet, 5 feet accessory structure
  - Water body:: 25 feet,
- Maximum lot coverage: 45 percent
- Maximum building height: 35 feet, 2 stories



**DAVID DOUGLAS ASSOCIATES, INC.**  
**ENGINEERS • CONTRACT ADMINISTRATORS • PLANNERS**

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OCT 20 2006

COMMUNITY DEVELOPMENT

DCI 2006-00089

# **Villas @ Hidden Harbor**

**TRAFFIC IMPACT STATEMENT**  
**September, 2006**

Prepared by:  
L. Steven Hurley  
Project Manager



**DAVID DOUGLAS ASSOCIATES, INC.**  
**ENGINEERS • CONTRACT ADMINISTRATORS • PLANNERS**

DCI 2006-00089

**TRAFFIC IMPACT STATEMENT  
FOR  
VILLAS @ HIDDEN HARBOR  
18501 MULLOCK CREEK LN**

**RECEIVED**  
OCT 20 2006

COMMUNITY DEVELOPMENT

**Project Description**

The proposed project consist of a 15 single family residential units, located on a 5.31 acre parcel west of US 41 off Park Road, Lee County, Florida, Sec. 18, Twn. 46 S., Rng. 25 E.

**Site access**

The site will have one entrance as shown on trip exhibits 2 & 3. on Creek Drive

**Trip generation**

Vehicular trip ends generated by the proposed project were calculated by Microtrans software based on methodology provided by Trip Generation Manual of the Institute of Transportation Engineers (7<sup>th</sup> edition).

Land use code 210 – Single Family Detached Housing  
Trip generation equations vs: 1000 sf gross floor area

This project will not generate 300 vehicle trips during the peak hour. Having not met this threshold, the traffic impact statement shall provide information regarding the development's traffic generation and impact at the development's access points onto the adjacent street system.

Print outs of the trip generation by Microtrans for this use is attached.

**Project Traffic Distribution**

Directional splits onto adjacent roadway are based on existing population and vehicle movements. Assuming 50% directional splits on US 41 onto Park Road westbound to Creek Drive. See attached sketch for trip distribution at project entrance.

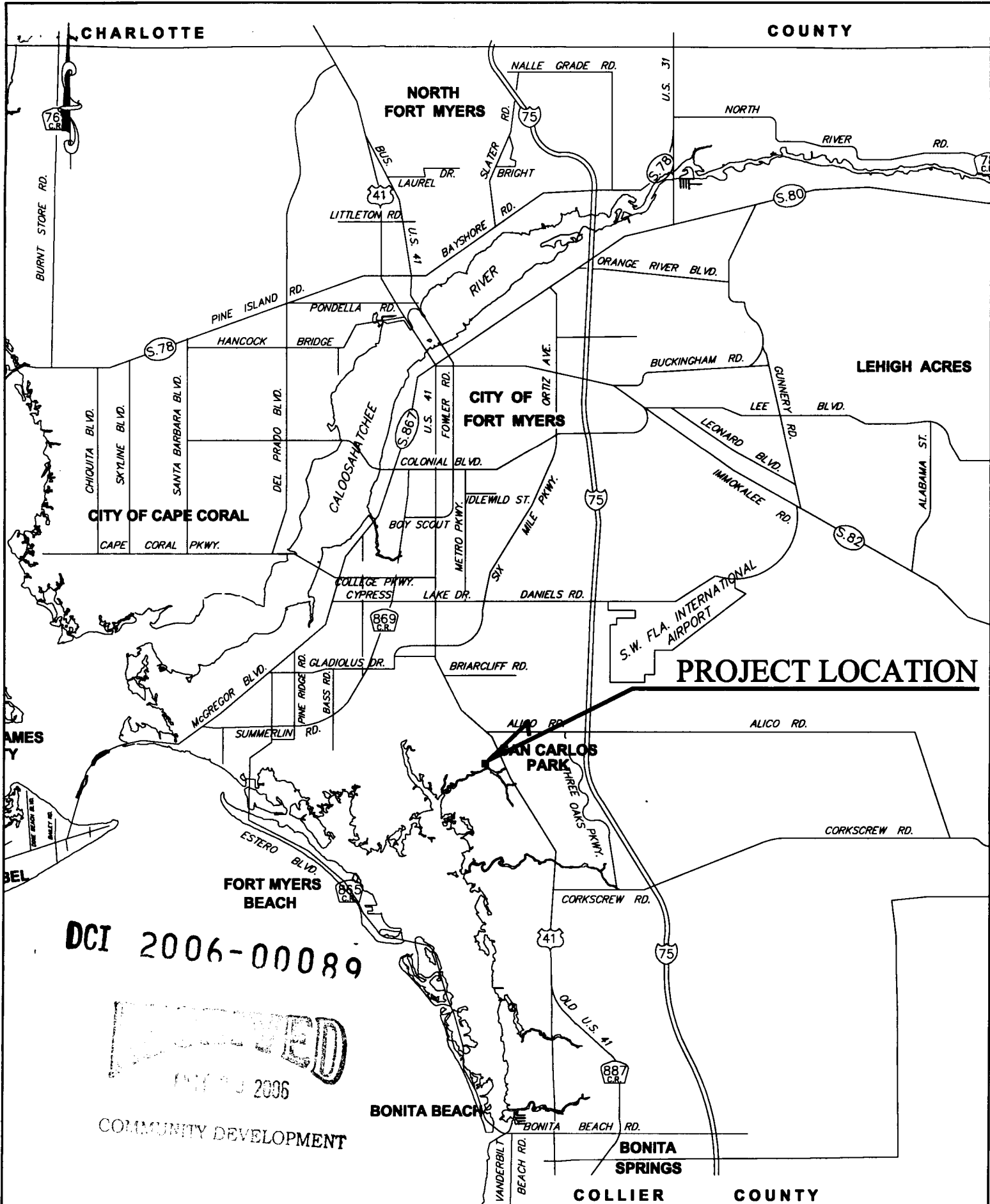
**Level of Service**

See Level of Service Analysis for arterial or collector roads to be accessed adjacent to project, see page 2.

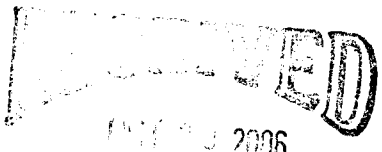
**Conclusion**

The proposed project is anticipated to generate a total of 20 PM peak hour trips. This total is below the threshold of 300 peak hour trips that is stated in the Lee County Land Development Code, sec. 10-286.

The trip volumes at the site entrances are such that they should have no impact on adjacent street traffic. Therefore, no improvements are required at the site access point.



DCI 2006-00089



COMMUNITY DEVELOPMENT

DATE : 9/22/06  
 SCALE : N.T.S.  
 DESIGN : LSH  
 CAD : CWS  
 CHECK : LSH  
 FILE : 03-0137 TIS



**DDA ENGINEERS-PLANNERS, INC.**  
 1821 Victoria Avenue, Fort Myers, Florida 33901  
 Ph. 239-337-3330, Fax 239-337-1236  
 E-mail: sh@ddai-engineers.com  
 Florida Certification of Business #6786

**SITE LOCATION MAP**  
**Villas @ Hidden Harbor**  
**LEE COUNTY, FL**  
 STRAP # 18-46-25-00-00020.0100

**EXHIBIT**  
**1**  
 JOB NUMBER  
**03-0137**

03-0137  
LSH/KT



# Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard  
Fort Myers, Florida 33919-5910  
email - fmooffice@bwk.net  
(Ph) 239-481-1331 (Fax) 239-481-1073

## Description

Parcel in  
Section 18, Township 46 South, Range 25 East  
Lee County, Florida

A tract or parcel of land lying in Section 18, Township 46 South, Range 25 East, Lee County, Florida, being further described as follows:

From the intersection of the north line of the South One Quarter of the Northwest Quarter of the Northwest Quarter of said Section 18 and the centerline of Creek Drive 50 feet wide run SOUTH along the centerline of Creek Drive for 630.00 feet; thence run N70°22'20"W parallel with the north line of said fraction of a section for 319.00 feet; thence run SOUTH parallel with the centerline of Creek Drive for 248.30 feet to the Point of Beginning.

From said Point of Beginning continue SOUTH for 0.70 feet; thence run WEST for 108.10 feet; thence run SOUTH for 235.12 feet to an intersection with the south line of a public road as described in Deed Book 276 beginning at Page 103 of the Lee County Public Records; thence run WEST along the south line of said road for 190.00 feet; thence run SOUTH for 350.85 feet to an intersection with the south line of the Northwest Quarter of said Section 18; thence run S77°35'20"E along said south line for 327 feet, more or less, to the waters of Mullock Creek; thence run northeasterly along said waters for 132 feet, more or less, to an intersection with a line parallel with and 1077.96 feet east of the west line of said Section 18; thence run N00°02'11"W for 204.01 feet; thence run N89°32'57"W for 55.37 feet; thence run N00°06'21"E for 159.36 feet; thence run N89°42'01"E for 19.31 feet; thence run N00°04'08"E for 89.06 feet; thence run S89°58'47"E for 60.58 feet; thence run N00°17'15"W for 65.86 feet; thence run EAST for 110.66 feet to an intersection with the west line of said Creek Drive 50 feet wide; thence run NORTH along said west line for 80.52 feet; thence run west for 275.47 feet to the Point of Beginning.

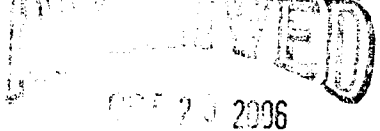
Containing 5.26 acres, more or less.

Bearings hereinabove mentioned based on the centerline of Creek Drive to bear north.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

DCI 2006-00089

35872DESC4 9-29-05



*W. Britt Pomeroy, Jr.*  
W. Britt Pomeroy, Jr., R.L.S. 4448

### COMMUNITY DEVELOPMENT

PRINCIPALS:

- WILLIAM E. BEAN, PSM, CHAIRMAN
- SCOTT C. WHITAKER, PSM, PRESIDENT
- JOSEPH L. LUTZ, PSM
- AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

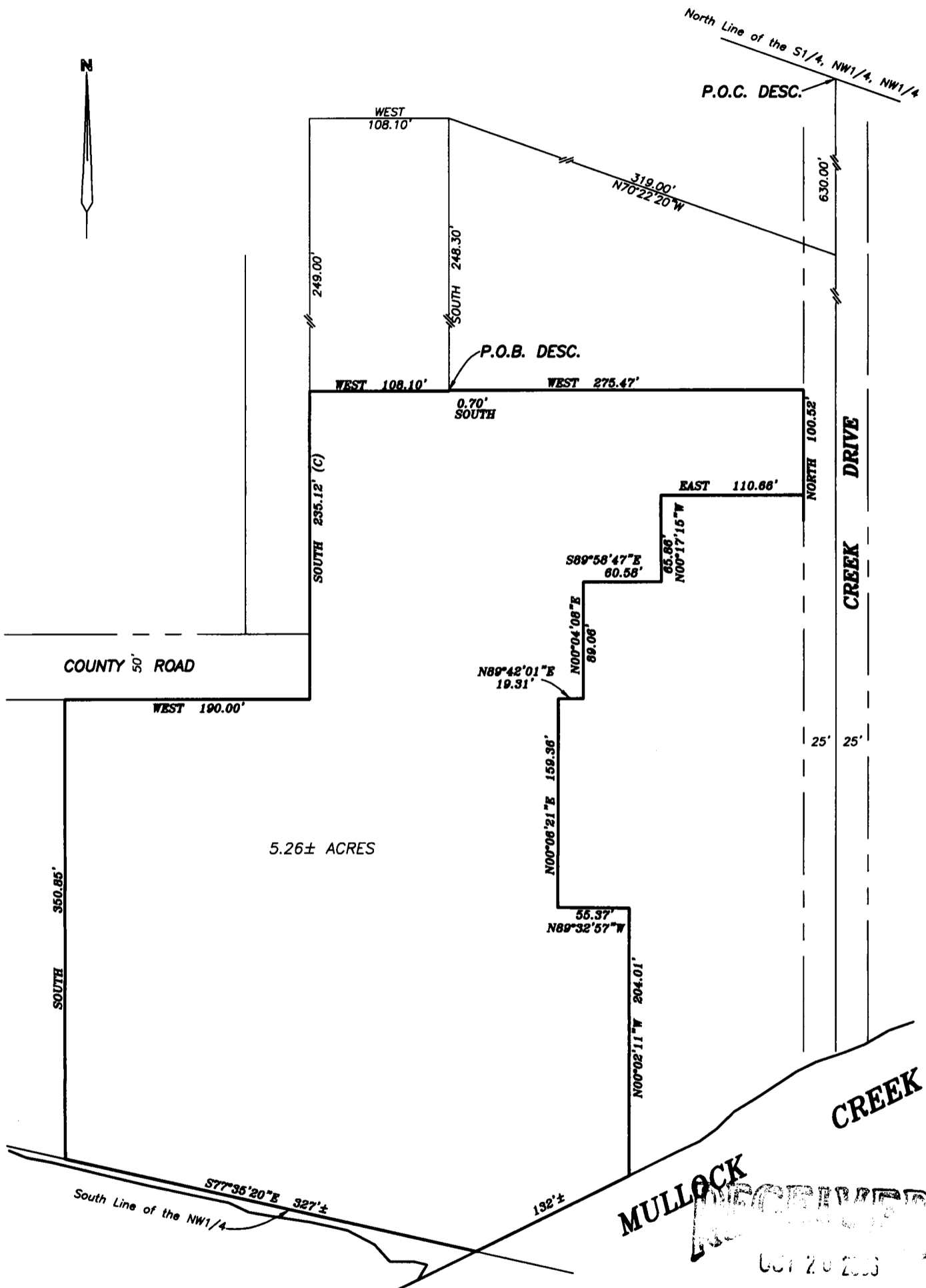
Page 1 of 2



ASSOCIATES:

- TRACY N. BEAN, AICP
- W. BRITT POMEROY, JR., PSM
- STEPHEN H. SKORUPSKI, PSM
- ELWOOD FINEFIELD, PSM
- JAMES A. HESSLER, PSM
- JAMES R. COLEMAN, PSM
- RUDOLF A. NORMAN, PE

**SKETCH TO ACCOMPANY DESCRIPTION  
PARCEL IN  
SECTION 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA**



**THIS IS NOT A SURVEY**

*W. Britt Pomeroy, Jr.*  
W. BRITT POMEROY, JR.  
Professional Land Surveyor  
Florida Certificate No. 4448

**MULLOCK**  
**RECEIVED**  
JUN 20 2006

COMMUNITY DEVELOPMENT

**DCI 2006-00089**

<b>Bean, Whitaker, Lutz &amp; Kareh, Inc. (LA 4819)</b>					
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS					
13041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-8910 (239) 481-1331					
SK35872-OA.DWG					
DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
9-29-05	35872	WBP	1" = 100'	2 OF 2	18-46-25

**EXHIBIT PH-2.C.1**

**SUBJECT PROPERTY OWNERS LIST**

1) 18-46-25-00-00020.0100

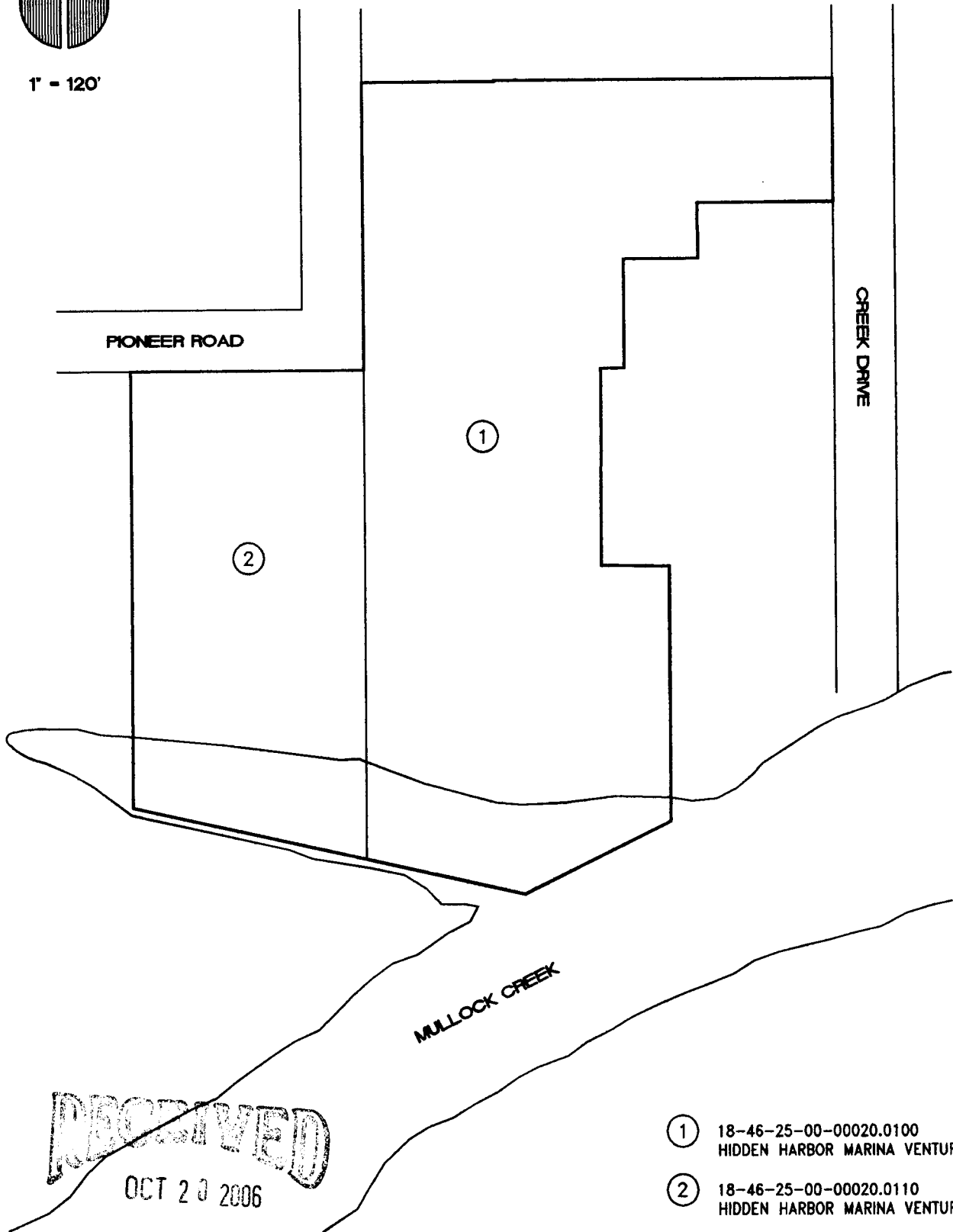
Hidden Harbor Marina Venture, LLC  
2715 East Oakland Boulevard, Suite 201  
Fort Lauderdale, Florida 33306

2) 18-46-25-00-00020.0110

Hidden Harbor Marina Venture, LLC  
2715 East Oakland Boulevard, Suite 201  
Fort Lauderdale, Florida 33306



1" = 120'



**RECEIVED**  
 OCT 20 2006

- ① 18-46-25-00-00020.0100  
HIDDEN HARBOR MARINA VENTURE, LLC
- ② 18-46-25-00-00020.0110  
HIDDEN HARBOR MARINA VENTURE, LLC

COMMUNITY DEVELOPMENT

DCI 2006-00089



BOARD OF COUNTY COMMISSIONERS

Bob Janes  
District One

June 17, 2008

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

James G. Yeager  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

MR. GARY F. MULLER  
1482 ARGYLE DRIVE  
FORT MYERS, FL 33919

RE: VILLAS AT HIDDEN HARBOR MARINA  
DCI2006-00089

Dear MR. GARY F. MULLER:

On October 20, 2006 an application was submitted for the above referenced case. Our last response in regards to the application was on July 02, 2007 with a letter of insufficiency. The insufficiency letter explains that additional information needs to be provided before proceeding with the public hearing.

The last 60 day extension was granted on October 31, 2007 and expired on December 29, 2007.

Since no further action has transpired a withdrawal form is enclosed for your convenience. Please complete this form and return the original or provide the required information by August 16, 2008.

Please feel free to contact us if you require clarification or additional information.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

A handwritten signature in black ink that reads "Bryan Kelner".

Bryan Kelner  
Principal Planner

cc: Pam Houck, Director Zoning Division  
John Fredyma, CAO  
Marie Sanchez, Legal Administrative Secretary  
Lili Wu, TIS Reviewer  
Susan L Hollingsworth, Development Services  
Susie Derhelmer, Environmental Sciences  
Sam Lee, Natural Resources  
Paul O'Connor, Planning Division  
Jamie Princing, DCD Admin  
Zoning File



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

(239)533-8363

Bob Janes  
*District One*

October 31, 2007

A. Brian Bigelow  
*District Two*

Mr. Gary Muller  
1482 Argyle Drive  
Fort Myers, FL 33919

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

**RE: Villas at Hidden Harbor Marina  
DCI2006-00089**

Frank Mann  
*District Five*

Donald D. Stilwell  
*County Manager*

Dear Mr. Muller:

David M. Owen  
*County Attorney*

The Zoning Division has reviewed your e-mail dated October 30, 2007 requesting an extension to the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing the project and will allow the requested 60 day extension commencing October 31, 2007. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Diana M. Parker  
*County Hearing Examiner*

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division

Pam Houck  
Director  
Division of Zoning  
Department of Community Development

copy:

Bryan Kelner, Zoning Division  
John Fredyma, CAO  
Lili Wu, TIS Reviewer  
Susan Hollingsworth, Development Services  
Paul O'Connor, Planning Division  
Suzanne Derheimer, Environmental Sciences Division  
Lili Wu, Lee County DOT  
Sam Lee, Natural Resources  
Jamie Pringing, DCD Admin  
Zoning/DCI Files

U:\200710\DCI20060.0089\EXTENSION4LTR.WPD



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

(239)533-8363

Bob Janes  
*District One*

August 31, 2007

A. Brian Bigelow  
*District Two*

Mr. Gary Muller  
1482 Argyle Drive  
Fort Myers, FL 33919

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

**RE: Villas at Hidden Harbor Marina  
DCI2006-00089**

Frank Mann  
*District Five*

Donald D. Stilwell  
*County Manager*

Dear Mr. Muller:

David M. Owen  
*County Attorney*

The Zoning Division has reviewed your e-mail dated August 31, 2007 requesting an extension to the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing the project and will allow the requested 60 day extension commencing September 1, 2007. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Diana M. Parker  
*County Hearing Examiner*

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division

Pam Houck  
Director  
Division of Zoning  
Department of Community Development

copy:

Bryan Kelner, Zoning Division  
John Fredyma, CAO  
Lili Wu, TIS Reviewer  
Susan Hollingsworth, Development Services  
Paul O'Connor, Planning Division  
Suzanne Derheimer, Environmental Sciences Division  
Lili Wu, Lee County DOT  
Sam Lee, Natural Resources  
Jamie Prancing, DCD Admin  
Zoning/DCI Files

U:\200708\DCI20060.00819\EXTENSION3LTR.WPD



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239) 479-8363

Bob Janes  
District One

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

July 2, 2007

**MR. GARY F. MULLER**  
1482 ARGYLE DRIVE  
FORT MYERS, FL 33919

**Re: VILLAS AT HIDDEN HARBOR MARINA**  
DCI2006-00089 - PDS Application (Minor PD)

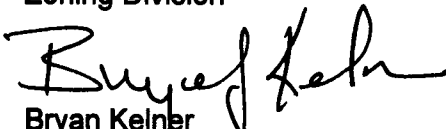
Dear MR. GARY F. MULLER :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

  
Bryan Kelner  
Principal Planner

MR. GARY F. MULLER  
RE: VILLAS AT HIDDEN HARBOR MARINA  
DCI2006-00089  
July 2, 2007  
Page 2

cc: Pamela Houck, Division Director  
Paul O'Connor, Planning  
Kim Trebatoski, Environmental Sciences  
Sam Lee, Natural Resources  
Lili Wu, LCDOT  
Jamie Princing, DCD Administration  
John Fredyma, Assistant County Attorney  
Susan L Hollingsworth, Development Review  
DCI Zoning File  
DCI Working File

MR. GARY F. MULLER  
RE: VILLAS AT HIDDEN HARBOR MARINA  
DCI2006-00089  
July 2, 2007  
Page 3

**Lee County Sufficiency Checklist for Planned Developments,  
Amendments, and Existing Developments Requesting Planned  
Development Zoning**

*10) Lee Plan Compliance Narrative. A narrative explanation as to how the proposed development complies with the Lee Plan, as well as the guidelines for decision-making embodied in sections 34-145(c)(2)a. and e., and 34-145(d)(3). [34-373(a)(5)]*

Thank you for the Lee Plan compliance narrative with regard to the water depend overlay zone. This was not responded to in your May 27, 2007 sufficiency response. Please provide a response to the following:

Objective 8.1: You had mentioned that "... it is highly unlikely that the existing marina would be allowed to expand". Please provide your reasons why you suspect that it would be highly unlikely that the marina would be allowed to expand.

*21) Miscellaneous Items.*

Staff Comments:

1. In your Existing Structures Affidavit you mention that the existing docks will not be removed. However, in a letter from Justin McBride to Ms. Erica Maynard, dated January 30, 2007, a proposed dock plan for Mullock Creek Marina is depicted with the proposed location of the wet slips and the area to be backfilled. If this is what is being proposed, then the slips must be shown on the Master Concept Plan (MCP). Also, the "waterway@25%" should be referenced on the MCP along with the 10' slip offset. Please depicts and reference these lines on the MCP.
2. The 25 foot waterway buffer setback shown on the Master Concept Plan (MCP) does not reference from what line it is measured. Is the line shown on the MCP the Mean High Water Line or the Top of Bank line? Please designate this line on the MCP.
3. Please show the area to be filled on the Master Concept Plan, as depicted on the proposed dock plan for Mullock Creek Marina.
4. In correspondence from Steve Hurley to Sam Lee, dated May 21, 2007, an area described as "floodway Area (no encroachments allowed)" needs to be shown on the Master Concept Plan. Also, the correspondence states that no new improvements will be made within the limits of this area.



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239) 479-8363

Bob Janes  
District One

A. Brian Bigelow  
District Two

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Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

March 28, 2007

**MR. GARY F. MULLER**  
**1482 ARGYLE DRIVE**  
**FORT MYERS, FL 33919**

**Re: VILLAS AT HIDDEN HARBOR MARINA**  
**DCI2006-00089 - PDS Application (Minor PD)**

Dear MR. GARY F. MULLER :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division



Bryan Kelner  
Principal Planner

**MR. GARY F. MULLER**  
**RE: VILLAS AT HIDDEN HARBOR MARINA**  
**DCI2006-00089**  
**March 28, 2007**  
**Page 2**

**cc: Pamela Houck, Division Director**  
**Paul O'Connor, Planning**  
**Kim Trebatoski, Environmental Sciences**  
**Sam Lee, Natural Resources**  
**Lili Wu, LCDOT**  
**Jamie Princing, DCD Administration**  
**Dawn Lehnert, Assistant County Attorney**  
**Susan L Hollingsworth, Development Review**  
**DCI Zoning File**  
**DCI Working File**

MR. GARY F. MULLER  
RE: VILLAS AT HIDDEN HARBOR MARINA  
DCI2006-00089  
March 28, 2007  
Page 3

**Environmental Sciences Planned Development Sufficiency Checklist**

*1) Description of Existing Conditions, Soils, Vegetation Flucss, Topography. The application for a Planned Development must be accompanied by the following: [34-373(a)(4)]*

*1b) Maps. Maps drawn to the same scale as the Master Concept Plan marked or overprinted to show: [34-373(a)(4)e]*

*1b1) Soils. Soils, classified in accordance with the USDA/SCS System. [34-373(a)(4)e.i.]*

Please submit

*1b2) Vegetation/Ground Cover. Vegetation and ground cover classified in accordance with the Florida Land Use and Cover Classification System. [34-373(a)(4)e.i.]*

Please submit

*1b3) Rare & Unique Uplands Habitats. Significant areas of rare and unique upland habitats as defined in The Lee Plan. [34-373(a)(4)e.i.]*

Please submit

*2) Protected Species Survey. A Protected Species Survey as required by LDC Section 10-473 must be provided for large projects (as defined in LDC Chapter 10) and Major Planned Developments . [34-373(b)(2)]*

Please submit

*3) Protected Species Management Plan. Protected species preserve areas must be indicated on the Master Concept Plan; a final management plan as required by LDC Section 10-474 is not required until time of local development order. [10-474]*

Pending submittal of protected species survey.

Please submit information on how the project is consistent with the Manatee Protection Plan, and if any signage will be included for manatee protection.

*4) Environmentally Sensitive Areas. The location, of any state jurisdictional wetlands and surface water, based upon standard environmental data and verified by the South Florida Water Management District staff, must be depicted on an aerial or FLUCCS map unless waived by the director.*

Please submit

MR. GARY F. MULLER  
RE: VILLAS AT HIDDEN HARBOR MARINA  
DCI2006-00089  
March 28, 2007  
Page 4

*8) Design Standards: Environmentally Sensitive Areas. Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural features of the site, particularly mature native trees and threatened or endangered native vegetation. [34-411(g)]*

Pending submittal of a FLUCCS map with any SFWMD jurisdictional wetlands highlighted.

*9a) Natural Waterways Buffer. A 25 foot natural waterway buffer, 50 foot in the Greater Pine Island Area, must be provided abutting state-designated aquatic preserves and associated natural tributaries. [10-416(d)(9)]*

Please revise the MCP to provide the 25-foot natural waterway buffer as a common area tract outside of the single family lots.

*10) Dock & Shoreline Structures. Location and dimensions of proposed structure(s) must be shown on the Master Concept Plan. How will protected species, the natural waterway buffer, and adjacent waterways be affected? [10-474; 10-416(d)(9); Chapter 26]*

(1) Page 4 of the application under item I.1 indicates "All existing structures, except for the boat ramp, will be removed." However, the MCP delineates "existing docks" and the list of uses includes "Multislip docking facility." Please clarify if the existing docks will remain, and how access to these docks will be accomplished.

(2) The Environmental Issues document indicates that the shoreline will be stabilized with riprap. Please provide a cross section of the proposed riprap, and delineate the area of proposed riprap on the MCP. Please note that any riprap will need to landward of the high water line and be placed to avoid any existing native vegetation.

*12) Miscellaneous Items.*

(1) Please revise the Lee Plan Compliance narrative (Exhibit D-7-J) to include a discussion of how the proposed development is consistent with the Commercial Marine Overlay under Goal 8, Objective 128.4, and Policy 128.4.2

(2) Please submit a full size MCP.

*13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.*

Kim Trebatoski, Principal Environmental Planner  
239-479-8183  
trebatkm@leegov.com

**Lee County Sufficiency Checklist for Planned Developments,  
Amendments, and Existing Developments Requesting Planned  
Development Zoning**

MR. GARY F. MULLER  
RE: VILLAS AT HIDDEN HARBOR MARINA  
DC12006-00089  
March 28, 2007  
Page 5

*10) Lee Plan Compliance Narrative. A narrative explanation as to how the proposed development complies with the Lee Plan, as well as the guidelines for decision-making embodied in sections 34-145(c)(2)a. and e., and 34-145(d)(3). [34-373(a)(5)]*

Thank you for the Lee Plan compliance narrative with regard to the water depend overlay zone. However, staff requests additional information on:

Objective 8.1: You had mentioned that "...it is highly unlikely that the existing marina would be allowed to expand". Please provide your reasons why you suspect that it would be highly unlikely that the marina would be allowed to expand.

Objective 128.4 and Policy 128.4.2: You mentioned that, "There is also the possibility that the 57 existing dry slips (which will no longer be utilized) can be transferred to a more suitable site for public use." Please explain what you mean by "can be transferred to a more suitable site for public use".

MR. GARY F. MULLER  
RE: VILLAS AT HIDDEN HARBOR MARINA  
DCI2006-00089  
March 28, 2007  
Page 6

*21) Miscellaneous Items.*

Staff Comments:

1. The response appears to indicate that the applicant believes they are vested for 19- 21 wet slips and 57 dry slips. The MCP presumably includes the dock necessary to support the 19-21 wet slips. However, the MCP does not delineate the 57 dry storage slips. If these dry slips are not depicted on the MCP, the property owner will lose the right to claim entitlement to these slips upon approval of the zoning resolution.
2. The survey plat notes indicate that deed acreage is 5.26 acres, and the acreage to the MHWL is 4.67 acres, while the application states the property is 5.31 acres. What is the correct acreage?
3. The existing structures need to be shown on the MCP with a reference to what will happen to them.
4. The structure affidavit does not include a legal description or sketch depicting the location of the structures at issue. A strap number reference does not constitute a legal description
5. In your submittal, you recieved correspondence from Mr.McBride to Mr. Maynard, dated January 30, 2007. The third paragraph references "Reconfiguration and/or repair of any slips for which there are current, vaild permits is consistent with MPP. Construction of any new docks above those already permitted is prohibited ..." Please provide staff with documentation to verify the number of slips that have valid permits.
6. The attached map to the correspondence represented in #5 above references a 25 foot setback. Where is this 25 foot setback measured from and what must be setback from this 25 foot setback? What does waterway @ 25% mean? What is meant by a 10 foot slip offset? What does the x-hatched area represent; an area to be filled?
7. See attached comments from Samuel Lee dated March 8, 2007.
8. The checklist from Environmental Sciences, listed above, is from the previous sufficiency request dated November 20, 2007. Comment on your submittal, received on March 6, 2007, from Environmental Sciences will be forthcoming under separate cover.

**Kelner, Bryan J.**

---

**From:** Lee, Samuel  
**Sent:** Thursday, March 08, 2007 2:41 PM  
**To:** Kelner, Bryan J.  
**Cc:** Karuna-Muni, Anura J.  
**Subject:** DCI2006-00089 Villas at Hidden Harbor Marina

Bryan,

I have one comment:

**Based on the Draft Flood Insurance Rate Map (July 31, 2006), southeastern portion of the project site belongs to "floodway" area. Specifically, the floodway area includes eastern end of the existing docks and 25 ft Waterway Buffer Track. According to Lee County Land Development Code (Chapter 6, Article IV, Section 6-472), encroachments into the floodway (including fill, new construction and other developments) "are prohibited unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge". Note that the words "supporting technical data" are paraphrased as "hydrologic and hydraulic analyses" in National Flood Insurance Program document (Answers to Questions About the NFIP, F-084 (5/06), FEMA). Therefore, please provide appropriate supporting data or analyses to clarify this potential floodway encroachment issue.**

Sam Lee, P.E.  
Engineering Manager  
Lee County Natural Resources Division  
1500 Monroe Street  
Fort Myers, FL 33901

Ph. 239/479-8132  
Fax 239/479-8108  
E-mail: [slee@leegov.com](mailto:slee@leegov.com)

3/9/2007



**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239)479-8363

Bob Janes  
District One

February 19, 2007

A. Brian Bigelow  
District Two

Mr. Gary Muller  
1482 Argyle Drive  
Fort Myers, FL 33919

Ray Judah  
District Three

Tammy Hall  
District Four

**RE: Villas at Hidden Harbor Marina  
DCI2006-00089**

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

Dear Mr. Muller:

David M. Owen  
County Attorney

The Zoning Division has reviewed your e-mail dated February 16, 2007 requesting an extension to the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing the project and will allow the requested 30 day extension commencing February 19, 2007. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Diana M. Parker  
County Hearing Examiner

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division

Pam Houck  
Director  
Division of Zoning  
Department of Community Development

copy:

Bryan Kelner, Zoning Division  
Dawn Lehnert, CAO  
Bob Rentz, TIS Reviewer  
Susan Hollingsworth, Development Services  
Paul O'Connor, Planning Division  
Kim Trebatoski, Environmental Sciences Division  
Lili Wu, Lee County DOT  
Sam Lee, Natural Resources  
Jamie Prancing, DCD Admin  
Zoning/DCI Files

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**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

(239)479-8363

Bob Janes  
District One

January 22, 2007

A. Brian Bigelow  
District Two

Mr. Gary Muller  
1482 Argyle Drive  
Fort Myers, FL 33919

Ray Judah  
District Three

Tammy Hall  
District Four

**RE: Villas at Hidden Harbor Marina  
DCI2006-00089**

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

Dear Mr. Muller:

David M. Owen  
County Attorney

The Zoning Division has reviewed your e-mail dated January 22, 2007 requesting an extension to the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing the project and will allow the requested 30 day extension commencing January 20, 2007. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Diana M. Parker  
County Hearing Examiner

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division

Pam Houck  
Director  
Division of Zoning  
Department of Community Development

copy:

Bryan Kelner, Zoning Division  
Dawn Lehnert, CAO  
Bob Rentz, TIS Reviewer  
Susan Hollingsworth, Development Services  
Paul O'Connor, Planning Division  
Kim Trebatoski, Environmental Sciences Division  
Andy Getch, Lee County DOT  
Sam Lee, Natural Resources  
Jamie Prancing, DCD Admin  
Zoning/DCI Files

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P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111  
Internet address <http://www.lee-county.com>  
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**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

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Diana M. Parker  
County Hearing  
Examiner

November 20, 2006

**MR. GARY F. MULLER**  
**1482 ARGYLE DRIVE**  
**FORT MYERS, FL 33919**

**Re: VILLAS AT HIDDEN HARBOR MARINA**  
**DCI2006-00089 - PDS Application (Minor PD)**

Dear MR. GARY F. MULLER :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

**Bryan Kelner**  
Principal Planner

**MR. GARY F. MULLER**  
**RE: VILLAS AT HIDDEN HARBOR MARINA**  
**DCI2006-00089**  
**November 20, 2006**  
**Page 2**

**cc: Pamela Houck, Division Director**  
**Paul O'Connor, Planning**  
**Kim Trebatoski, Environmental Sciences**  
**Roland Ottolini, Natural Resources**  
**Lili Wu, LCDOT**  
**Jamie Princing, DCD Administration**  
**Dawn Lehnert, Assistant County Attorney**  
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**DCI Zoning File**  
**DCI Working File**

MR. GARY F. MULLER  
RE: VILLAS AT HIDDEN HARBOR MARINA  
DCI2006-00089  
November 20, 2006  
Page 3

**LC Zoning Action Legal Requirements Checklist (Ord 05-29)**

*10) Boundary Survey. A boundary survey of the subject property must be submitted unless the application is a non planned development request and the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {see LC Public Hearing Application Form, Part 3.D.}. [34-202(a)(2)]*

See notes below

*10c) The survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner. [34-202(a)(2)]*

The boundary survey supplied is not tied to the state plane coordinates system as required in LDC 34-202(a)(2) . Please provide a new boundary with state plane coordinates as required with one point being the point of beginning and the other coordinate being an opposite corner. Please provide on 11 x 17" or 8 1/2" x 14 paper.

**Environmental Sciences Planned Development Sufficiency Checklist**

*1) Description of Existing Conditions, Soils, Vegetation Flucss, Topography. The application for a Planned Development must be accompanied by the following: [34-373(a)(4)]*

*1b) Maps. Maps drawn to the same scale as the Master Concept Plan marked or overprinted to show: [34-373(a)(4)e]*

*1b1) Soils. Soils, classified in accordance with the USDA/SCS System. [34-373(a)(4)e.i.]*

Please submit

*1b2) Vegetation/Ground Cover. Vegetation and ground cover classified in accordance with the Florida Land Use and Cover Classification System. [34-373(a)(4)e.i.]*

Please submit

*1b3) Rare & Unique Uplands Habitats. Significant areas of rare and unique upland habitats as defined in The Lee Plan. [34-373(a)(4)e.i.]*

Please submit

*2) Protected Species Survey. A Protected Species Survey as required by LDC Section 10-473 must be provided for large projects (as defined in LDC Chapter 10) and Major Planned Developments . [34-373(b)(2)]*

Please submit

MR. GARY F. MULLER  
RE: VILLAS AT HIDDEN HARBOR MARINA  
DCI2006-00089  
November 20, 2006  
Page 4

**3) Protected Species Management Plan.** *Protected species preserve areas must be indicated on the Master Concept Plan; a final management plan as required by LDC Section 10-474 is not required until time of local development order. [10-474]*

Pending submittal of protected species survey.

Please submit information on how the project is consistent with the Manatee Protection Plan, and if any signage will be included for manatee protection.

**4) Environmentally Sensitive Areas.** *The location, of any state jurisdictional wetlands and surface water, based upon standard environmental data and verified by the South Florida Water Management District staff, must be depicted on an aerial or FLUCCS map unless waived by the director.*

Please submit

**8) Design Standards: Environmentally Sensitive Areas.** *Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural features of the site, particularly mature native trees and threatened or endangered native vegetation. [34-411(g)]*

Pending submittal of a FLUCCS map with any SFWMD jurisdictional wetlands highlighted.

**9a) Natural Waterways Buffer.** *A 25 foot natural waterway buffer, 50 foot in the Greater Pine Island Area, must be provided abutting state-designated aquatic preserves and associated natural tributaries. [10-416(d)(9)]*

Please revise the MCP to provide the 25-foot natural waterway buffer as a common area tract outside of the single family lots.

**10) Dock & Shoreline Structures.** *Location and dimensions of proposed structure(s) must be shown on the Master Concept Plan. How will protected species, the natural waterway buffer, and adjacent waterways be affected? [10-474; 10-416(d)(9); Chapter 26]*

(1) Page 4 of the application under item I.1 indicates "All existing structures, except for the boat ramp, will be removed." However, the MCP delineates "existing docks" and the list of uses includes "Multislip docking facility." Please clarify if the existing docks will remain, and how access to these docks will be accomplished.

(2) The Environmental Issues document indicates that the shoreline will be stabilized with riprap. Please provide a cross section of the proposed riprap, and delineate the area of proposed riprap on the MCP. Please note that any riprap will need to landward of the high water line and be placed to avoid any existing native vegetation.

MR. GARY F. MULLER  
RE: VILLAS AT HIDDEN HARBOR MARINA  
DCI2006-00089  
November 20, 2006  
Page 5

*12) Miscellaneous Items.*

(1) Please revise the Lee Plan Compliance narrative (Exhibit D-7-J) to include a discussion of how the proposed development is consistent with the Commercial Marine Overlay under Goal 8, Objective 128.4, and Policy 128.4.2

(2) Please submit a full size MCP.

*13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.*

Kim Trebatoski, Principal Environmental Planner  
239-479-8183  
trebatkm@leegov.com

**Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning**

*1a) The application was signed by the owner of the property or an authorized representative. [34-201(a)(1)a.1.]*

The affidavit for Hidden Harbor Marina Venture LLC was signed by John Lesossay, Managing Member. However, Florida Department of State has the managing member as SG Investments, Inc. and Pinnacle Construction of Fort Lauderdale, Inc. Please correct or clarify this discrepancy.

*1c) The fee owner is a corporation, and a duly authorized corporate official initiated the application. [34-201(a)(1)a.3.]*

The affidavit for Hidden Harbor Marina Venture LLC was signed by John Lesossay, Managing Member. However, Florida Department of State has the managing member as SG Investments, Inc. and Pinnacle Construction of Fort Lauderdale, Inc. Please correct or clarify this discrepancy.

*6j) Affidavit regarding proposed use. If buildings or structures exist on the property, the applicant must submit an affidavit stating that the buildings and structures will be removed or that the proposed use of the buildings, structures and land is, or will be, in compliance with all applicable requirements of the LDC. [34-202(b)(3)]*

Please provide the required affidavit.

*6o) Statement from the owner describing the type and intensity of agricultural use existing on the site on the date of application. The statement must include acreage figures for each use and an exhibit showing the location of the uses on a copy of the boundary sketch. The exhibit must be titled "Agricultural Uses at time of Zoning Application." [34-202(b)(7)]*

Please provide an agricultural affidavit stating that no agricultural activities take place on the site.

MR. GARY F. MULLER  
RE: VILLAS AT HIDDEN HARBOR MARINA  
DCI2006-00089  
November 20, 2006  
Page 6

*9e6) Lee Tran Map. A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. [34-373(a)(4)g.]*

Please provide the necessary documentation.

*10) Lee Plan Compliance Narrative. A narrative explanation as to how the proposed development complies with the Lee Plan, as well as the guidelines for decision-making embodied in sections 34-145(c)(2)a. and e., and 34-145(d)(3). [34-373(a)(5)]*

The Lee Plan compliance narrative is mute with regard to the water depend overlay zone. Please include in your narrative.

*11a) Sizes of Plans. Copies of the Master Concept Plan must be provided in two (2) sizes, 24 inches by 36 inches and 11 inches by 17 inches in size. [34-373(a)(6)]*

Please provide a full sized copy of the proposed master concept plan.

*12a) Existing Easements. The exact location and explanation of all existing easements, whether or not those easements are recorded. [34-373(a)(6)a.]*

The easements identified on the survey must also be shown on the MCP included the OR Book and Page.

*12c) Streets. If it is a subdivision, the plan must also show the general location of all proposed internal street rights-of-way or easements, and the general location of all points of vehicular ingress and egress from the proposed internal rights-of-way or easements into multiple-family, commercial or industrial use lots. [34-373(a)(6)b.]*

Please show the width of the street, diameter of the turning circle, and width of the access to the boat ramp.

*12d1) Parcels/Lots. The general location, configuration, and approximate dimensions of each lot or parcel (including outparcels). [34-373(a)(6)c.]*

Please provide the lot dimensions on the master concept plan of each lot.

*12k) Public Transit. Proposed access and facilities for public transit, in accordance with sections 34-411(e) and 10-442. [34-373(a)(6)j.]*

Please respond to this query.

MR. GARY F. MULLER  
RE: VILLAS AT HIDDEN HARBOR MARINA  
DCI2006-00089  
November 20, 2006  
Page 7

*21) Miscellaneous Items.*

Comments :

1. The property boundary as superimposed on the aerial appears to encompass the riparian rights that may be applicable to the property on the other side of the waterway easements. Please provide documentation regarding ownership of the water bottom and interests articulated in the waterway easement.
2. Please clarify the number of slips the applicant is claiming as existing and attributable to the subject property. Are there any docks subject to joint use with the adjacent property owners?
3. Will there be any parking for the boat ramp or recreational facilities, private.
4. See attached comments from the School District of Lee County, dated November 13, 2006.
5. See attached comments from Natural Resources, dated November 3, 2006
6. The subject property is in the water dependent overlay zone. Staff would like to see integration of the water dependent overlay zone into the project.
7. Comments on the Traffic TIS from Development Services is forthcoming.



# THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901 • (239) 334-1102 • TTD/TTY (239) 335-1512

STEVEN K. TEUBER, J.D.  
CHAIRMAN • DISTRICT 4

ELINDA C. SCRODA, PH.D.  
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK  
DISTRICT 1

JEANNE S. DOZIER  
DISTRICT 2

JANE E. KUCKEL, PH.D.  
DISTRICT 3

JAMES W. BROWDER, Ed.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

**FAXED**  
11/13/06

479-8319

13 November 2006

Mr. Bryan Kelner  
Lee County Community Development  
PO Box 398  
Fort Myers, FL 33901

RE: Villas at Hidden Harbor Marina, Sufficiency Review, Case # DCI2006-00089, 15 Units

Dear Mr. Kelner:

Thank you for the opportunity to review the proposed property Villas at Hidden Harbor Marina for sufficiency comments with regard to educational impacts. This proposed development is in the South School Choice Zone of the District, this letter is in response to your request dated October 25, 2006.

This report has been found to have sufficient information for the Lee County School District to provide the student generation during the Substantive Review.

Thank you for your attention to this issue. If you need further assistance, please do not hesitate to call me at (239) 335-1415.

Sincerely,

Susan Teston  
Community Development Planner

**Kelner, Bryan J.**

---

**From:** Karuna-Muni, Anura J.  
**Sent:** Friday, November 03, 2006 3:44 PM  
**To:** Kelner, Bryan J.  
**Cc:** Ottolini, Roland E.  
**Subject:** Villas at Hidden Harbor Mariana -sufficiency comments, DCI2006-89  
**Attachments:** Sufficiency comments.doc

See attached.

Anura Karuna-Muni, P.E.  
Engineering Manager  
Lee County Div. of Natural Resources  
1500 Monroe Street  
Fort Myers, FL 33901  
Tel. (239) 479 8131  
Fax. (239) 479 8108  
[akaruna-muni@leegov.com](mailto:akaruna-muni@leegov.com)

11/19/2006

**Sufficiency comments:**

1. Please delineate limits of historic or existing flow ways and drainage easements on the site plans.
2. Show the pre and post development drainage flow patterns and directions. The applicant shall demonstrate that the proposed development has negligible impacts on flooding of adjacent properties.
3. Please delineate of any existing ground water wells on the property.
4. Cut and fill locations and amounts.
5. Topographic map of the project area on an aerial backdrop.
6. A drainage analysis of the project area, including but not limited to (1) a drainage map for all contributory areas within and to the development, showing flow paths/arrows (pre and post), existing on-site and off-site structures (sizes/inverts), and sub basin area; and (2) hydrologic and hydraulic calculations for the 5, 10, 25, and 100-year storm events, using an industry recognized numerical model, in order to establish existing baseline conditions.
7. Storm water plan and profile drawings (1:100H and 1:2V) must be provided for the proposed surface water management system conveyances within, through and around the proposed development, including all contributory areas.
8. Encroachments within the floodways identified in DFIRM (Draft Flood Insurance Rate Maps) are not recommended. Please refer to Draft Flood Insurance Rate Maps provided on the county web site. These floodway maps shall be overlaid on a site plan.

**Kelner, Bryan J.**

---

**From:** Gary Muller [gfmuller@comcast.net]  
**Sent:** Tuesday, October 30, 2007 4:20 PM  
**To:** Kelner, Bryan J.  
**Subject:** Re: Villas at Hidden Harbor - DCI2006-00089

Bryan,

At present, my client is in the process of working out a deal with a prospective buyer (the person you met with) who is interested in developing the subject property as a marina. Due to the fact that this would change the entire scope of the rezoning application, I would like to request another 60 day extension to file the sufficiency response. This should allow for the additional time needed to finalize the negotiations for the sale of the property in order to determine which direction the project is headed. Thanks.

----- Original Message -----

**From:** Kelner, Bryan J.  
**To:** Muller, Gary  
**Sent:** Tuesday, October 30, 2007 9:31 AM  
**Subject:** Villas at Hidden Harbor - DCI2006-00089

Gary:

Your 60 day extension to respond to staff's insufficiency items ends today for the Villas at Hidden Harbor - DCI2006-00089.

Please advise if your will be requesting another 60 day extension. Also, include a narrative on the reason(s) for the extension.

Thank you.

Bryan J. Kelner  
Principal Planner  
Department of Community Development  
1500 Monroe Street  
Fort Myers, FL 33901  
[kelnerbj@leegov.com](mailto:kelnerbj@leegov.com)  
Phone 239-533-8363  
Fax 239-533-8313

10/31/2007

**Kelner, Bryan J.**

---

**Subject:** Hidden Harbor DCI2006-00089  
**Location:** CONF ROOM 2A

**Start:** Thu 7/19/2007 1:30 PM  
**End:** Thu 7/19/2007 2:30 PM

**Recurrence:** (none)

**Meeting Status:** Accepted

**Required Attendees:** Carpenter, Deborah M.; Kelner, Bryan J.; Houck, Pamela E.; Trebatoski, Kim; Noble, Matthew A.

Bryan requested this meeting with the property owner who is looking at modifying the current application and doing a marina with some residential.

Attendees: Bryan, Pam, Kim T., Matt Noble and owner, John Cullen.

Bryan coordinated with the owner.

July 19, 2007

Bryan Kelner

DCD

479-8363

John Cullen

941 416-4932

John Cullen

941 374 6299

Matt Noble

Div. of Planning

479-8548

Susie Derheimer

DCD ES

~~479-8158~~

Tom Howell

DCD

<sup>5083</sup>  
Zoning 479-8995

July 19, 2007

100 additional for dry boat storage

Need correspondence from FWC.

" submerged debris detection.

Boat ramp - commercial

5 homes - 1 to a restaurant  
& remain residences

fuel

Dry slips  $100 + 78 = 178$  with 10 wet slips.

$100 + 59 = 159$  w/19 wet slips.

~~Reel~~ Reel - hotel/motel possible cabins  
10 units water at hotel/motel.

Dredge - other issues and could be related  
to mallet creek vicinity # of slips.

Slips allocated to - Co. shuff, EMS, etc.

ditch - culvert in proximity - Fed + State permits  
on Corps permits.

SFAWMD

Parks + Recreation - Blue Ways Program.  
Fred Johnson Parks + Rec.

Natural Resources -

Possible old buildings historic?

**Kelner, Bryan J.**

---

**From:** Gary Muller [gfmuller@comcast.net]  
**Sent:** Monday, June 18, 2007 12:25 PM  
**To:** Kelner, Bryan J.  
**Cc:** Matthew Uhle  
**Subject:** Villas at Hidden Harbor Marina  
**Attachments:** Lesous5LeeCoMppResultsLtr5.24.07.pdf

Attached is a letter from Justin McBride from Lee County Division of Natural Resources vesting a total of 78 slips for the above-referenced project.

6/20/2007



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

REC'D  
MAY 29 2007

(239) 479-8109

Bob Janes  
District One

May 24, 2007

A Brian Bigelow  
District Two

Mr. Hans Wilson  
Hans Wilson & Associates, Inc.  
1938 Hill Avenue  
Fort Myers, Florida 33901

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

**SUBJECT: Manatee Plan Project Results**

Donald D. Stilwell  
County Manager

Dear Mr. Wilson-

David M. Owen  
County Attorney

This letter is in response to your e-mail of May 24, 2007, asking for a re-evaluation of the LESOUS-5 project located at 18501 Mullock Creek Lane, Ft. Myers, in light of a slip vesting assessment performed by Florida Fish and Wildlife Conservation Commission Imperiled Species Staff.

Diana M. Parker  
County Hearing Examiner

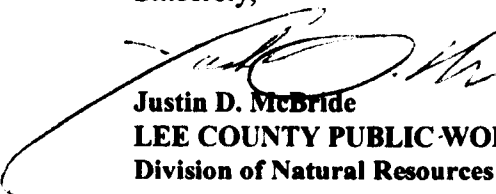
FFWCC staff has determined that the LESOUS-5 project has 78 slips that they (FFWCC) consider to be vested. According to Section 8.4 of the Manatee Protection Plan:

Projects that have valid permits and currently hold Chapter 380 vested status which allows for construction of slips (wet or dry) that may not be constructed at the time in which the Lee County Manatee Protection plan is adopted and implemented by the Board of County Commissioners, shall be exempted from the MFSE screening process.

For application of the MPP, the opinion of the FFWCC Imperiled Species Staff (as described in the 5/24 e-mail from Mary Duncan) that the Lesous-5 project has 78 vested slips exempts these slips per the criteria as described above.

Please let me know if you have any questions or if you need any additional assistance.

Sincerely,

  
**Justin D. McBride**  
**LEE COUNTY PUBLIC WORKS**  
**Division of Natural Resources - Marine Program**

cc: MPP Project Comment Letters File

**Kelner, Bryan J.**

---

**From:** Lee, Samuel  
**Sent:** Wednesday, June 13, 2007 2:42 PM  
**To:** Kelner, Bryan J.  
**Subject:** FW: DCI2006-00089 Villas at Hidden Harbor Marina

---

**From:** Lee, Samuel  
**Sent:** Wednesday, May 30, 2007 3:04 PM  
**To:** Kelner, Bryan J.  
**Cc:** Karuna-Muni, Anura J.  
**Subject:** DCI2006-00089 Villas at Hidden Harbor Marina

No insufficiency comments. But the following zoning condition should be included.

The applicant agrees that no encroachment shall be placed within the FEMA's draft floodway as depicted in the Floodway Exhibit.

Thanks,

Sam

6/13/2007

**Kelner, Bryan J.**

---

**From:** Teston, Susan M. [SusanMTe@LeeSchools.Net]  
**Sent:** Tuesday, March 20, 2007 8:46 AM  
**To:** Kelner, Bryan J.  
**Subject:** RE: Villas of Hidden Harbor - DCI2006-00089

Responded on 13 November 2006  
With the following comments and copy of letter

13 November 2006

Mr. Bryan Kelner  
Lee County Community Development  
PO Box 398  
Fort Myers, FL 33901

RE: Villas at Hidden Harbor Marina, Sufficiency Review, Case # DCI2006- 00089, 15  
Units

Dear Mr. Kelner:

Thank you for the opportunity to review the proposed property Villas at Hidden Harbor Marina for sufficiency comments with regard to educational impacts. This proposed development is in the South School Choice Zone of the District, this letter is in response to your request dated October 25, 2006.

This report has been found to have sufficient information for the Lee County School District to provide the student generation during the Substantive Review.

Thank you for your attention to this issue. If you need further assistance, please do not hesitate to call me at (239) 335-1415.

Sincerely,

Susan Teston  
Community Development Planner

---

**From:** Kelner, Bryan J. [mailto:KELNERBJ@leegov.com]  
**Sent:** Tuesday, March 20, 2007 8:37 AM  
**To:** Hollingsworth, Susan L.; Noble, Matthew A.; Pavese, Michael P.; Teston, Susan M.; Trebatoski, Kim  
**Subject:** Villas of Hidden Harbor - DCI2006-00089

3/20/2007

**Kelner, Bryan J.**6:11e  
DCI 2006-0089

---

**From:** Lee, Samuel  
**Sent:** Thursday, May 24, 2007 8:17 AM  
**To:** sh@ddai-engineers.com  
**Cc:** Kelner, Bryan J.; Karuna-Muni, Anura J.  
**Subject:** DCI2006-00089 Villas at Hidden Harbor Marina

Dear Mr. Steven Hurley:

We received your May 21, 2007 letter including the Exhibit attachment. As I left my message on your voice mail yesterday, you need to resubmit the Sheet No A (FLOW WAY EXHIBIT) by replacing the words "FLOW WAY" to "FLOODWAY". Also, the note on the exhibit "FLOW WAY AREA (NO IMPROVEMENTS)" should be replaced as "FLOODWAY AREA (NO ENCROACHMENT ALLOWED)".

Thanks,

Sam

---

**From:** Lee, Samuel  
**Sent:** Thursday, March 08, 2007 2:41 PM  
**To:** Kelner, Bryan J.  
**Cc:** Karuna-Muni, Anura J.  
**Subject:** DCI2006-00089 Villas at Hidden Harbor Marina

Bryan,

I have one comment:

**Based on the Draft Flood Insurance Rate Map (July 31, 2006), southeastern portion of the project site belongs to "floodway" area. Specifically, the floodway area includes eastern end of the existing docks and 25 ft Waterway Buffer Track. According to Lee County Land Development Code (Chapter 6, Article IV, Section 6-472), encroachments into the floodway (including fill, new construction and other developments) "are prohibited unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge". Note that the words "supporting technical data" are paraphrased as "hydrologic and hydraulic analyses" in National Flood Insurance Program document (Answers to Questions About the NFIP, F-084 (5/06), FEMA). Therefore, please provide appropriate supporting data or analyses to clarify this potential floodway encroachment issue.**

Sam Lee, P.E.  
Engineering Manager  
Lee County Natural Resources Division  
1500 Monroe Street  
Fort Myers, FL 33901

Ph. 239/479-8132  
Fax 239/479-8108  
E-mail: [slee@leegov.com](mailto:slee@leegov.com)

5/24/2007

----- Original Message -----

**From:** Block, Alvin H.

**To:** Ellen Penar

**Cc:** Thompson, Lynda R. ; Getch, Andrew J. ; Lehnert, Dawn ; Neale Montgomery

**Sent:** Tuesday, May 08, 2007 7:28 AM

**Subject:** RE: Lack of entrances for emergency - Prairie Pines Preserve

Thank you for your comments on this case. In order for you to make sure that these comments are considered, you need to attend the public hearing before the Lee County Hearing Examiner when it is scheduled and speak at this hearing. This will ensure that your comments are on the record and that they are considered by the Hearing Examiner.

Chip

*Alvin Block, AICP*

Principal Planner

Lee County Department of Community Development

Zoning Division

(239) 479-8371

[blockah@leegov.com](mailto:blockah@leegov.com)

---

**From:** Ellen Penar [<mailto:epenar@swfla.rr.com>]

**Sent:** Saturday, May 05, 2007 3:18 PM

**To:** Block, Alvin H.

**Cc:** Thompson, Lynda R.; Getch, Andrew J.

**Subject:** Lack of entrances for emergency - Prairie Pines Preserve

**Importance:** High

Dear Chip,

There was a fire in or near Prairie Pines Preserves this afternoon.

**We really need Nalle Grade to be paved to allow for an additional emergency entrance for fire equipment and police to get to this area of the Preserve.**

Between Herons Glen and Magnolia Landing we will have about 3000 homes, and there is a manufactured home subdivision just south of Magnolia Landing.

I believe but am not positive that the fire was due to a lightening strike. Apparently there were two fires in the area. According to calls monitored on police radio, due to high winds they were considering closing part of I75. Don't have any more details.

Thanks.

E.

5/10/2007

**Kelner, Bryan J.**

*To file DCI 2006-0089*

---

**From:** Trebatoski, Kim  
**Sent:** Monday, April 02, 2007 6:15 PM  
**To:** Kelner, Bryan J.; Gary Muller; Adair, Jeff  
**Subject:** Villas at Hidden Harbor Marina

Please note that the Env Sci sufficiency comments were not updated when the March 28, 2007 sufficiency letter was printed. I have reviewed the information submitted **March 3, 2007 and find the submittal sufficient for issues related to environmental sciences review.**

I apologize for the delayed review.

Kim Trebatoski  
Principal Environmental Planner  
Lee County Division of Environmental Sciences  
(239)479-8183  
[trebatkm@leegov.com](mailto:trebatkm@leegov.com)  
Fax: (239)479-8144  
<http://www.lee-county.com>

**Kelner, Bryan J.**

FILE DCI 2007-  
00024

**From:** Lehnert, Dawn  
**Sent:** Tuesday, April 03, 2007 10:37 AM  
**To:** Kelner, Bryan J.  
**Cc:** Houck, Pamela E.  
**Subject:** Merchant's Crossing DCI2007-00024 and DRI2007-00001

Bryan:

Based upon review of the March 27 NOPC and DCI submittals, I offer the following for your consideration.

#### **DRI**

A draft DRI DO is not included in this package.

The legal description in the current DRI DO, Fourth Amendment, encompasses 101.44 acres (apparently the ROW was left out). However, the application indicates the DRI encompasses 104.44 acres. A revised legal description should be submitted.

The extension of the build out date by a cumulative total of 16 year constitutes a presumed substantial deviation that may be rebutted by competent substantial evidence. There does not appear to be any evidence presented to rebut this presumption.

#### **DCI**

1. The narrative indicates there will be two new out parcels. Only one is shown on the MCP.
2. Where will the additional 750sf go? This is not shown on the MCP.
3. The following easements are not depicted and labeled on the MCP as required.
  - a. Conservation easements (OR 2293/3233)
  - b. Drainage easements (OR 2293/3228)
  - c. sign easement (OR 2382/1751)
  - d. water line easement (OR 2400/2459)
4. The schedule of uses needs to be updated to reflect the current LDC provisions
5. The application does not reflect all appropriate strap numbers.
6. The covenants and restrictions applicable to this property are not included....should they be?

Dawn E. Perry-Lehnert  
Assistant County Attorney  
Lee County Attorney's Office  
Phone: 239-335-2236  
Fax: 239-335-2606  
[Lehnertd@leegov.com](mailto:Lehnertd@leegov.com)

*Please note: Florida has a very broad public records law. Most written communications to or from County Employees and Officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.*

**Kelner, Bryan J.**

file DRI 2007-00001

**From:** Lehnert, Dawn  
**Sent:** Tuesday, April 03, 2007 10:37 AM  
**To:** Kelner, Bryan J.  
**Cc:** Houck, Pamela E.  
**Subject:** Merchant's Crossing DCI2007-00024 and DRI2007-00001

Bryan:

Based upon review of the March 27 NOPC and DCI submittals, I offer the following for your consideration.

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A draft DRI DO is not included in this package.

The legal description in the current DRI DO, Fourth Amendment, encompasses 101.44 acres (apparently the ROW was left out). However, the application indicates the DRI encompasses 104.44 acres. A revised legal description should be submitted.

The extension of the build out date by a cumulative total of 16 year constitutes a presumed substantial deviation that may be rebutted by competent substantial evidence. There does not appear to be any evidence presented to rebut this presumption.

**DCI**

1. The narrative indicates there will be two new out parcels. Only one is shown on the MCP.
2. Where will the additional 750sf go? This is not shown on the MCP.
3. The following easements are not depicted and labeled on the MCP as required.
  - a. Conservation easements (OR 2293/3233)
  - b. Drainage easements (OR 2293/3228)
  - c. sign easement (OR 2382/1751)
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4. The schedule of uses needs to be updated to reflect the current LDC provisions
5. The application does not reflect all appropriate strap numbers.
6. The covenants and restrictions applicable to this property are not included....should they be?

Dawn E. Perry-Lehnert  
Assistant County Attorney  
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*Please note: Florida has a very broad public records law. Most written communications to or from County Employees and Officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.*

**Kelner, Bryan J.**

---

**From:** Lehnert, Dawn  
**Sent:** Tuesday, March 13, 2007 12:21 PM  
**To:** Kelner, Bryan J.  
**Cc:** Houck, Pamela E.  
**Subject:** Villas at Hidden Harbor Marina DCI2006-00089

Based upon a cursory review of the March 6 resubmittal, I offer the following for you consideration.

1. The response appears to indicate that the applicant believes they are vested for 19- 21 wet slips and 57 dry slips. The MCP presumably includes the dock necessary to support the 19-21 wet slips. However, the MCP does not delineate the 57 dry storage slips. If these dry slips are not depicted on the MCP, the property owner will lose the right to claim entitlement to these slips upon approval of the zoning resolution.
2. The CAO package does not include a legal description and sketch meeting the LDC requirements. Also note, the legal description as set forth on the survey map is a "together with" legal description, which is not sufficient for purposes of meeting the LDC standard.
3. The survey plat notes indicate that deed acreage is 5.26 acres, and the acreage to the MHWL is 4.67 acres, while the application states the property is 5.31 acres. What is the correct acreage??
4. The existing structures need to be shown on the MCP with a reference to what will happen to them.
5. The structure affidavit does not include a legal description or sketch depicting the location of the structures at issue. A strap number reference does not constitute a legal description

Thanks

Dawn E. Perry-Lehnert  
Assistant County Attorney  
Lee County Attorney's Office  
Phone: 239-335-2236  
Fax: 239-335-2606  
[Lehnertd@leegov.com](mailto:Lehnertd@leegov.com)

*Please note: Florida has a very broad public records law. Most written communications to or from County Employees and Officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.*

*To: zone file***Kelner, Bryan J.**

---

**From:** Lee, Samuel  
**Sent:** Thursday, March 08, 2007 2:41 PM  
**To:** Kelner, Bryan J.  
**Cc:** Karuna-Muni, Anura J.  
**Subject:** DCI2006-00089 Villas at Hidden Harbor Marina

Bryan,

I have one comment:

**Based on the Draft Flood Insurance Rate Map (July 31, 2006), southeastern portion of the project site belongs to "floodway" area. Specifically, the floodway area includes eastern end of the existing docks and 25 ft Waterway Buffer Track. According to Lee County Land Development Code (Chapter 6, Article IV, Section 6-472), encroachments into the floodway (including fill, new construction and other developments) "are prohibited unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge". Note that the words "supporting technical data" are paraphrased as "hydrologic and hydraulic analyses" in National Flood Insurance Program document (Answers to Questions About the NFIP, F-084 (5/06), FEMA). Therefore, please provide appropriate supporting data or analyses to clarify this potential floodway encroachment issue.**

Sam Lee, P.E.  
Engineering Manager  
Lee County Natural Resources Division  
1500 Monroe Street  
Fort Myers, FL 33901

Ph. 239/479-8132  
Fax 239/479-8108  
E-mail: [slee@leegov.com](mailto:slee@leegov.com)

3/9/2007

*To: zone file*

**Kelner, Bryan J.**

---

**From:** Gary Muller [gfmuller@comcast.net]

**Sent:** Friday, February 16, 2007 3:25 PM

**To:** Kelner, Bryan J.

**Subject:** Re: Hidden Harbor Marina - ~~DGI2006-00015~~  
*DCI 2006 - 00089*

Bryan,  
Yes, I would like to request another 30 day extension to allow more time to address the dock & shoreline issues. Everything else is ready to go.

----- Original Message -----

**From:** Kelner, Bryan J.

**To:** Muller, Gary

**Sent:** Friday, February 16, 2007 1:16 PM

**Subject:** Hidden Harbor Marina - ~~DGI2006-00015~~  
*DCI 2006 - 00089*

Gary,

your 30 day extenaion ends on Febrayary 18, 2007. Do you need an additional extension?

Bryan J. Kelner

Principal Planner

Department of Community Development

1500 Monroe Street

Fort Myers, Fl 33901

[kelnerbj@leegov.com](mailto:kelnerbj@leegov.com)

Phone 239-479-8363

Fax 239-479-8313

To: zone file

**Kelner, Bryan J.**

---

**From:** Kelner, Bryan J.  
**Sent:** Thursday, December 07, 2006 12:22 PM  
**To:** Muller, Gary  
**Subject:** DCI2006-00089- Hidden Harbor

Gary,

I received a call from a Mr. Pat Carey (239-939-6042) regarding the project. He mentioned that when they wanted water brought into their community Lee County Utilities would require a looped system. Mr. Carey was inquiring whether you would be required to put in a looped system for your development? His street address is 18491 Carey Way.

Would you please respond to this as part of your response to the other insufficiency items.

Thank you.

Bryan J. Kelner

Principal Planner

Department of Community Development

1500 Monroe Street

Fort Myers, FL 33901

[kelnerbj@leegov.com](mailto:kelnerbj@leegov.com)

Phone 239-479-8363

Fax 239-479-8313

70 zone file  
DCI 2006-00089

December 3, 2006

Mr. Bryan Kelner  
Lee County Development Services  
1500 Monroe Street  
Ft. Myers, FL 33901

**RECEIVED**  
DEC 07 2006

COMMUNITY DEVELOPMENT

Dear Mr. Kelner,

I am writing on behalf of my family regarding the requested rezoning of 1.28 acres of vacant land (currently AG-2) that is adjacent to our home (along our east property line.) The case number is DC12006-00089 and the rezoning request is for 18471 Pioneer Road and also the next property over (18501 Mullock Creek Lane) which includes Mullock Creek Marina. Although we are happy to see the property be used for residential purposes, we do have some concerns.

After reviewing the file, we saw that there is no buffer proposed along our property line and that the proposed plan would include 3 (almost 4) homes on the 1.28 acres of 18471 Pioneer Road. We would like to have a buffer be required along our property line since the density of houses is so high relative to ours. A heavily vegetated buffer would also be an asset to the future owners and occupants of the new homes.

Another concern we have is that *Page 9 of 14 – Public Hearing Supplement D* states that “ The existing shoreline will be stabilized with rip rap.” Currently the shoreline is fringed by mature red and white mangroves (*Rhizophora mangle* and *Laguncularia racemosa*). We would like to see this natural shoreline be preserved as it is important wildlife habitat. We have observed many wetland bird species using this area including: yellow-crowned night herons, kingfishers, little blue herons, great blue herons, great egrets, snowy egrets, green-backed herons, tri-colored herons, cormorants and osprey. Snook, redfish, mangrove snappers, blue crabs and otters also use the submerged areas along the trees. Additionally, since there are already enough docks for the proposed development on the marina property, we ask that no more docks be added to the 18471 Pioneer Road property.

Finally, we would like it to be acknowledged that the area listed as #742 Borrow Areas (.04 Acres) on the FLCCS Map prepared by Environmental Restoration Consultants, Inc. contains mature mangrove trees of the red, white and black species (*Avicennia germinans*) and that this area is tidal – so much so that the waterway can be kayaked at high tide. The destruction of this .04 acres of estuarine wetlands and the mangrove shoreline would definitely have a detrimental affect on the surrounding estuary and its wildlife, and therefore should be minimized.

We would appreciate your consideration of these concerns and ask that you share them with the appropriate Lee County staff. Thank you.

Sincerely,



Sandy Cooper and Family  
18481 Pioneer Road  
Ft. Myers, FL 33908  
(239) 481-7721

**Kelner, Bryan J.**

---

**From:** Karuna-Muni, Anura J.  
**Sent:** Friday, November 03, 2006 3:44 PM  
**To:** Kelner, Bryan J.  
**Cc:** Ottolini, Roland E.  
**Subject:** Villas at Hidden Harbor Mariana -sufficiency comments, DCI2006-89-  
**Attachments:** Sufficiency comments.doc *00089*

See attached.

Anura Karuna-Muni, P.E.  
Engineering Manager  
Lee County Div. of Natural Resources  
1500 Monroe Street  
Fort Myers, FL 33901  
Tel. (239) 479 8131  
Fax. (239) 479 8108  
[akaruna-muni@leegov.com](mailto:akaruna-muni@leegov.com)

11/6/2006

**Sufficiency comments:**

1. Please delineate limits of historic or existing flow ways and drainage easements on the site plans.
2. Show the pre and post development drainage flow patterns and directions. The applicant shall demonstrate that the proposed development has negligible impacts on flooding of adjacent properties.
3. Please delineate of any existing ground water wells on the property.
4. Cut and fill locations and amounts.
5. Topographic map of the project area on an aerial backdrop.
6. A drainage analysis of the project area, including but not limited to (1) a drainage map for all contributory areas within and to the development, showing flow paths/arrows (pre and post), existing on-site and off-site structures (sizes/inverts), and sub basin area; and (2) hydrologic and hydraulic calculations for the 5, 10, 25, and 100-year storm events, using an industry recognized numerical model, in order to establish existing baseline conditions.
7. Storm water plan and profile drawings (1:100H and 1:2V) must be provided for the proposed surface water management system conveyances within, through and around the proposed development, including all contributory areas.
8. Encroachments within the floodways identified in DFIRM (Draft Flood Insurance Rate Maps) are not recommended. Please refer to Draft Flood Insurance Rate Maps provided on the county web site. These floodway maps shall be overlaid on a site plan.

ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUFFICIENCY REVIEW  
TRANSMITTAL SHEET

TO: Distribution

FROM: Bryan Kelner

DATE: 05/29/2007

Dawn Lehnert, Asst County Attorney  
DS Reviewer - Susan L Hollingsworth

TIS Reviewer - temporarily reviewed by DOT  
Paul O'Connor, Planning  
Kim Trebatoski, Environmental Sciences  
Lili Wu, LCDOT  
Susan Teston, Lee County School District  
Sam Lee, Natural Resources  
Chick Jackaki, Zoning  
Mike Pavese, Public Works

**\* REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: VILLAS AT HIDDEN HARBOR MARINA

CASE #: DCI2006-00089

INFORMATION SUMMARY:

**RESUBMITTAL**

To update your file  
 Review and forward sufficiency  
questions or make finding of  
sufficiency

**RESPONSE REQUIRED BY: 06/12/2007**

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).  
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file  
DCI Zone File

Distributed by: Brady X Proctor

Date: 05/30/2007

**ZONING DIVISION**  
**LEE COUNTY**  
**PLANNED DEVELOPMENT SUFFICIENCY REVIEW**  
**TRANSMITTAL SHEET**

TO: Distribution

FROM: Bryan Kelner

DATE: 03/06/2007

Dawn Lehnert, Asst County Attorney  
DS Reviewer - Susan L Hollingsworth

TIS Reviewer - temporarily reviewed by DOT  
Paul O'Connor, Planning  
Kim Trebatoski, Environmental Sciences  
Lili Wu, LCDOT  
Susan Teston, Lee County School District  
Sam Lee, Natural Resources  
Chick Jackaki, Zoning  
Mike Pavese, Public Works

**\* REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: VILLAS AT HIDDEN HARBOR MARINA

CASE #: DCI2006-00089

INFORMATION SUMMARY:

**RESUBMITTAL**

To update your file  
 Review and forward sufficiency  
questions or make finding of  
sufficiency

**RESPONSE REQUIRED BY: 03/20/2007**

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).  
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file  
DCI Zone File

Distributed by: Jamie Princing

Date: 03/07/2007

**ZONING DIVISION**  
**LEE COUNTY**  
**PLANNED DEVELOPMENT SUFFICIENCY REVIEW**  
**TRANSMITTAL SHEET**

TO: Distribution

FROM: Bryan Keiner

DATE: 10/25/2006

Dawn Lehnert, Asst County Attorney  
DS Reviewer - Susan L Hollingsworth  
TIS Reviewer - Bob Rentz  
Paul O'Connor, Planning  
Kim Trebatoski, Environmental Sciences  
Andy Getch, LCDOT  
Ellen Lindblad, Lee County School District  
Roland Ottolini, Natural Resources  
Chick Jakacki, Planning  
Mike Pavese, Public Works

**\* REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: VILLAS AT HIDDEN HARBOR MARINA

CASE #: DCI2006-00089

INFORMATION SUMMARY:

**NEW SUBMITTAL**

To update your file  
 Review and forward sufficiency  
questions or make finding of  
sufficiency

**RESPONSE REQUIRED BY: 11/08/2006**

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).

**Sufficiency and Completeness**

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file  
DCI Zone File

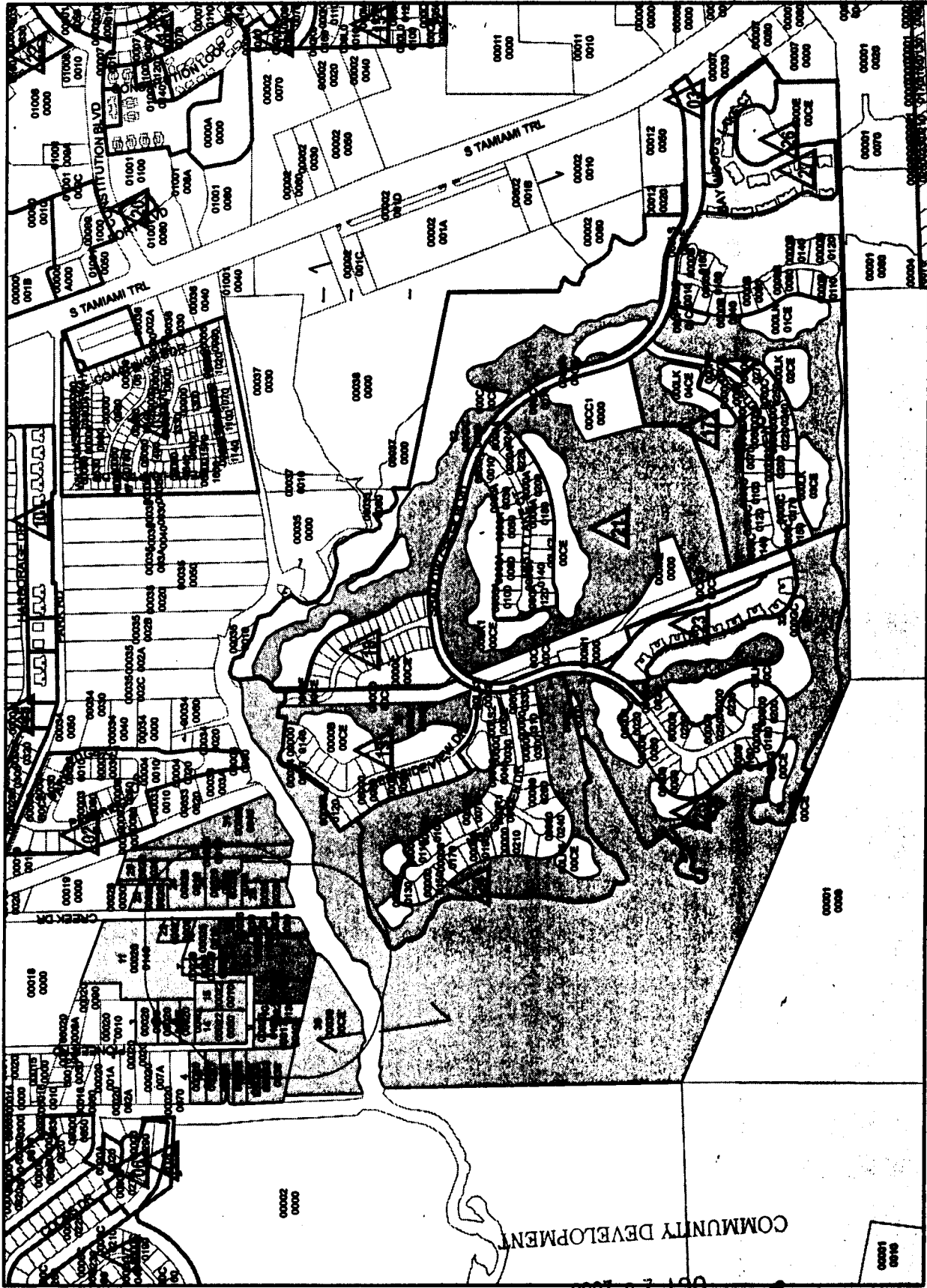
Distributed by: Donna M Hock

Date: 10/25/2006

# VARIANCE REPORT

10/17/2006

Subject Parcels : 2 Affected Parcels : 32 Buffer Distance : 500 ft



DCI 2006-00089

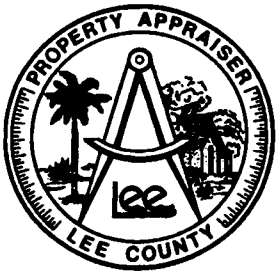
RECEIVED  
OCT 20 2006



18-46-25-00-00020.0100 et al.

1,100 550 0

1,100 Feet



# Lee County Property Appraiser

**Kenneth M. Wilkinson, C.F.A.**

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

## VARIANCE REPORT

**Date of Report:** October 17, 2006  
**Buffer Distance:** 500 ft  
**Parcels Affected:** 32  
**Subject Parcel:** 18-46-25-00-00020.0100, 18-46-25-00-00020.0110

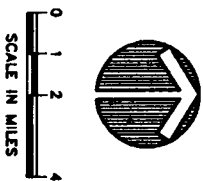
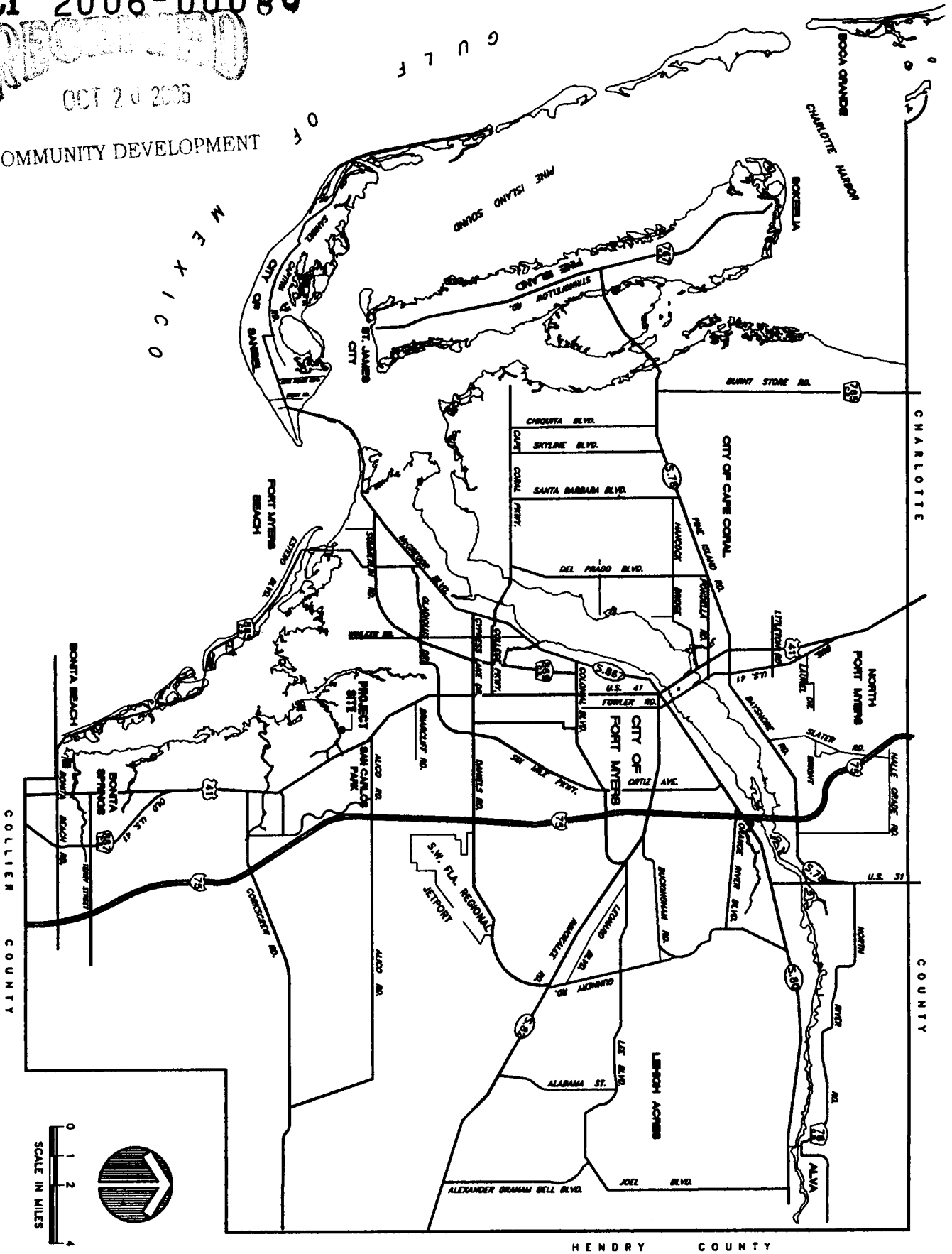
<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
CAREY PATRICK J PO BOX 60244 FORT MYERS FL 33906	18-46-25-00-00017.0010 18501 CAREY WAY FORT MYERS FL 33908	FRM SW CRN OF NW 1/4 OF SEC N 210 FT THN E 320 TO POB THN E 100 S 135 E 90 S 187.25 NW 194.6 THN N 280.35	1
RUFFINO STEPHEN A + CAROL A 18446 PIONEER RD FORT MYERS FL 33908	18-46-25-00-00020.0000 18446 PIONEER RD FORT MYERS FL 33908	FR SW COR OF NW 1/4 R N 260FT TO POB CONTINUE N 90 FT E 370 ETC	2
ARMANI ELAINE 18355 PIONEER RD FORT MYERS FL 33908	18-46-25-00-00020.0030 18355 PIONEER RD FORT MYERS FL 33908	PARL IN SW 1/4 OF NW 1/4 DESC IN OR 1821 PG 1619	3
GREGG RALPH + ANA C 18400 PIONEER RD FORT MYERS FL 33908	18-46-25-00-00020.003A 18400 PIONEER RD FORT MYERS FL 33908	FR W1/4 COR RUN N535FT TO POB TH CONT N108FT E370FT S108FT W370FT	4
WINDLER JAMES S 18375 PIONEER RD S W FORT MYERS FL 33908	18-46-25-00-00020.003B 18375 PIONEER RD FORT MYERS FL 33908	PARL IN SW 1/4 OF NW 1/4 E OF PIONEER RD DESC IN OR 1720 PG 3336	5
ANDERSON DANIEL L + MARY 18387 PIONEER RD FORT MYERS FL 33908	18-46-25-00-00020.0040 18387 PIONEER RD FORT MYERS FL 33908	FRM SW COR OF NW 1/4 TH N 410 FT TH E 370 FT TH N 200 FT. TO POB TH N 100 FT.	6
COOPER CHARLES + 18481 CREEK DR FORT MYERS FL 33908	18-46-25-00-00020.0060 18451 PIONEER RD FORT MYERS FL 33908	FR SW COR NW 1/4 SELY ALG S LI NW 1/4 1000 FT.M/L TH N 850 FT. TO POB TH W 108	7
TOKARZ STEVE H 17525 PHLOX DR FORT MYERS FL 33912	18-46-25-00-00020.010A 18461 PIONEER RD FORT MYERS FL 33908	FR PT OF INTERSEC OF N LI S 1/4 OF NW 1/4 OF NW 1/4 WI LI PARL WI W LI SD FRAC	8
CAREY PATRICK J TR PO BOX 60244 FORT MYERS FL 33906	18-46-25-00-00020.0120 18491 CAREY WAY FORT MYERS FL 33908	PARCEL LYING NW 1/4 OF SECT N OF CREEK DESC IN OR 3503 PG 3079	9
COOPER CHARLES + SANDRA S 18481 PIONEER RD FORT MYERS FL 33908	18-46-25-00-00020.0130 18481 PIONEER RD FORT MYERS FL 33908	A TR IN SW 1/4 OF NW 1/4 FR SW COR SD FR GO SELY ALG SLY 1/4 1/4 LI 542 FT	10
NAMOUR JOSEPH N + JENNIFER L 18340 CREEK DR FORT MYERS FL 33908	18-46-25-00-00020.0140 18340 CREEK DR FORT MYERS FL 33908	PARL IN W 1/2 OF NW 1/4 DESC IN OR 1115 PG 1389 LESS OR 1510 PG 399	11
BOSECKER AMY K + 18430 PIONEER RD FORT MYERS FL 33908	18-46-25-00-00021.0000 18430 PIONEER RD FORT MYERS FL 33908	FR SW COR OF NW 1/4 N 350 TO POB W 50 N 85 E 370 S 85 W 320	12
PRATT WILLIAM A 1504 LINDALE CIR LEHIGH ACRES FL 33936	18-46-25-00-00021.0010 18416 PIONEER RD FORT MYERS FL 33908	FR W1/4 COR RUN N435FT TO POB TH RUN E370FT N100FT W370FT S100FT	13
BUSTO ANTHONY ALVARO 1651 HERMITAGE RD FORT MYERS FL 33919	18-46-25-00-00022.0000 18431 PIONEER RD FORT MYERS FL 33908	PARL IN SW 1/4 OF NW 1/4 SEC 18 TWP 46 R 25 DESC IN OR 1282 PG 1825	14

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
ANDERSON DANIEL L 18387 PIONEER RD FORT MYERS FL 33908	<b>18-46-25-00-00022.0010</b> 18441 PIONEER RD FORT MYERS FL 33908	PARL IN SW 1/4 OF NW 1/4 SEC 18 TWP 46 R 25	15
WILLIAMS RALPH TR 18476 PIONEER RD FORT MYERS FL 33908	<b>18-46-25-00-00023.0000</b> 18482 PIONEER RD FORT MYERS FL 33908	BEG SW COR NW 1/4 N 210 FT E 210 FT.S 210 FT W 210 FT TO POB LESS SLY	16
WILLIAMS RALPH JAMES TR EST 6007 HIGGINS AVE FORT MYERS FL 33905	<b>18-46-25-00-00023.0030</b> 18476 PIONEER RD FORT MYERS FL 33908	PARL IN SW 1/4 OF SW 1/4 OF NW 1/4 DESC OR 496 PG 825 + OR 637 PG 446	17
SIMPSON ARTHUR C + DIANA M 18430 CREEK DR FORT MYERS FL 33908	<b>18-46-25-00-00025.0010</b> 18430 CREEK DR FORT MYERS FL 33908	A PAR OF LAND IN SE 1/4 OF SW 1/4 AS DESC IN OR 3418 PG 854	18
RAMP ELLA C PO BOX 1449 CHESAPEAKE BEACH MD 20732	<b>18-46-25-00-00025.0020</b> 18446 CREEK DR FORT MYERS FL 33908	FR PT OF INTERSEC OF N LI S 1/2 OF NW 1/4 OF NW 1/4 WI LI 1238 FT E FR W LI	19
CONNER EDWARD L 18480 CREEK DR FORT MYERS FL 33908	<b>18-46-25-00-00026.0000</b> 18480 CREEK DR FORT MYERS FL 33908	PAR IN TH SW 1/4 OF NW 1/4 DESC IN OR 1931 PG 1506 LESS OR 1931 PG 1508	20
SWANSON ROGER V + EVELYN A 18011 S TAMiami TRL STE 16 PMB-93 FORT MYERS FL 33908	<b>18-46-25-00-00026.0030</b> 18456 CREEK DR FORT MYERS FL 33908	PAR IN SW 1/4 OF NW 1/4 DESC IN OR 2339 PG 2852	21
DUNCAN SANDRA 17365 DUMONT FORT MYERS FL 33912	<b>18-46-25-00-00027.0000</b> 18380 CREEK DR FORT MYERS FL 33908	PARL IN SW 1/4 OF NW 1/4 DESC OR 1492 PG 2222 + OR 1510 PG 399	22
RANDALL GARY L + THERESA W 18461 CREEK DR FORT MYERS FL 33908	<b>18-46-25-00-00028.0000</b> 18461 CREEK DR FORT MYERS FL 33908	PARL IN W 1/2 OF W 1/2 OF SE 1/4 OF NW 1/4 DESC OR 2391 PG2355 LES OR2577/930	23
SENS GUY 18381 CREEK DR FORT MYERS FL 33908	<b>18-46-25-00-00028.0010</b> 18381 CREEK DR FORT MYERS FL 33908	PARL IN W 1/2 OF W 1/2 OF SW 1/4 ON NW 1/4 DESC OR 2391 PG 2349	24
STRATZ MARCUS G + SUSAN E 18371 CREEK DR FORT MYERS FL 33908	<b>18-46-25-00-00028.0020</b> 18371 CREEK DR FORT MYERS FL 33908	PARL IN N W 1/4 DESC IN OR 1518 PG 39 AKA PARCEL A	25
BENN BOBBY L + ROSE MARIE R 18445 CREEK DR FORT MYERS FL 33908	<b>18-46-25-00-00029.0000</b> 18445 CREEK DR FORT MYERS FL 33908	PAR IN THE W 1/2 OF SE 1/4 OF NW 1/4 OF SEC DESC IN OR2391/2352 + OR2577/930	26
TINER JAMES E TR 1/2 INT + 18191 CREEK DR FORT MYERS FL 33908	<b>18-46-25-00-00029.0010</b> 18301 CREEK DR FORT MYERS FL 33908	E 75 FT OF S 1/4 OF W 1/2 OF W 1/2 OF NE 1/4 OF NW 1/4 + ALSO E 75 FT OF W	27
COOPER CHARLES M + 3630 SHAW BLVD UNIT 7 NAPLES FL 34117	<b>18-46-25-00-00029.0020</b> 18481 CREEK DR FORT MYERS FL 33908	PARL IN W 1/2 OF W 1/2 OF NW 1/4 AS DESC IN OR 1861 PB 1076 AKA PARCEL D	28
GOOD WILLIAM D 18325 CREEK DR FORT MYERS FL 33908	<b>18-46-25-00-00029.0030</b> 18325 CREEK DR FORT MYERS FL 33908	BEG NW COR OF S 1/4 OF W 1/2 OF W 1/2 OF NE 1/4 OF NW 1/4 TH S ALG N LI	29
SHADOW WOOD PRESERVE COMM ASSN 9990 COCONUT RD STE 200 BONITA SPRINGS FL 34135	<b>18-46-25-00-00030.00CE</b> ACCESS UNDETERMINED FORT MYERS FL 33908	PARL LOC IN W 1/2 OF SECT AS DESC IN OR 4374/788 + INST 2005-124234 LESS LAKE TRACT IN LEGAL	30
TINER JAMES E TR 1/2 INT + 18191 CREEK DR FORT MYERS FL 33908	<b>18-46-25-00-00033.0040</b> ACCESS UNDETERMINED FORT MYERS FL 33908	W1/2 OF E1/2 OF E1/2 OF NW 1/4 + E1/2 OF W1/2 OF E1/2 OF NW1/4 W OF RR N OF CRK	31
LONG BAY PARTNERS LLC 9990 COCONUT RD STE 202 BONITA SPRINGS FL 34135	<b>18-46-25-17-000GC.0010</b> GOLF COURSE FL	SHADOW WOOD PRESERVE GOLF COURSE LESS OR 4082 PG 1602 + LESS INST 2006-13792	32

DCI 2006-00089

RECORDED  
OCT 20 2006

COMMUNITY DEVELOPMENT



AREA LOCATION MAP  
VILLAS AT HIDDEN  
HARBOR MARINA

SEC 18, TWP 49S, RGE 20E  
LEE COUNTY, FLORIDA



GARY F. MULLER, AICP

1482 ANDALE DRIVE • FT. MYERS, FLORIDA 33919 • (239) 538-0111

DATE	10/06
SCALE	AS SHOWN
DESIGN	GM
DRAWN	GM
CHECK	GM
APPROVED	

EXHIBIT D-7-B

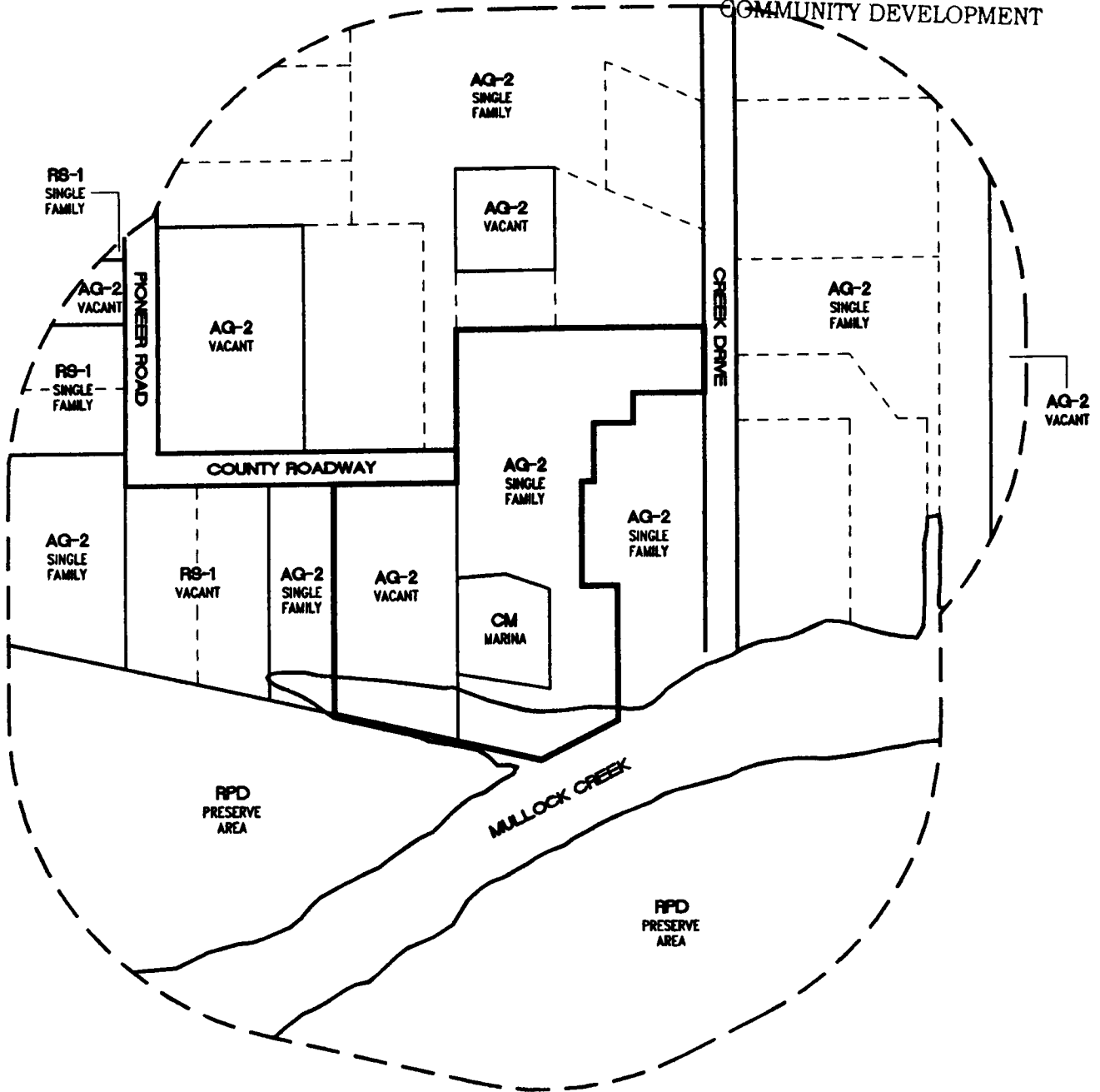


1" = 250'

RECEIVED

OCT 20 2006

COMMUNITY DEVELOPMENT



DATE	10/20
SCALE	AS SHOWN
PROJECT	0407
DRAWN BY	SP
CHECKED	SP
PREPARED	SP



## **COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION**

**Date:** November 7, 2006

**Case Number:** DCI2006-00089

**Case Name:** VILLAS AT HIDDEN HARBOR MARINA

**Request:** Rezone 5.26+/- acres from agriculture (AG-2) and commercial marine (CM) to a residential planned development (RPD) to allow 15 single-family dwelling units, retain the existing boat ramp and docks as project amenities and limiting the maximum height to 35 feet. No development blasting is proposed. The applicant indicates that development of this site will connect to sanitary sewer and potable water.

**Location:** The subject property is located at 18501 Mullock Creek/18471 Pioneer Road, in S18-T46S-R25E, Lee County, FL.

**PROPERTY OWNER'S  
REPRESENTATIVE:** MR. GARY F MULLER  
239-939-0111

**Lee County Planner:** Bryan Kelner  
(239) 479-8363

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.

DMH

18-46-25-00-00017.0010  
CAREY PATRICK J  
PO BOX 60244  
FORT MYERS, FL 33906

18-46-25-00-00020.0030  
ARMANI ELAINE  
18355 PIONEER RD  
FORT MYERS, FL 33908

18-46-25-00-00020.003B  
WINDLER JAMES S  
18375 PIONEER RD S W  
FORT MYERS, FL 33908

18-46-25-00-00020.0060  
COOPER CHARLES +  
18481 CREEK DR  
FORT MYERS, FL 33908

18-46-25-00-00020.0120  
CAREY PATRICK J TR  
PO BOX 60244  
FORT MYERS, FL 33906

18-46-25-00-00020.0140  
NAMOUR JOSEPH N + JENNIFER L  
18340 CREEK DR  
FORT MYERS, FL 33908

18-46-25-00-00021.0010  
PRATT WILLIAM A  
1504 LINDALE CIR  
LEHIGH ACRES, FL 33936

18-46-25-00-00022.0010  
ANDERSON DANIEL L  
18387 PIONEER RD  
FORT MYERS, FL 33908

18-46-25-00-00023.0030  
WILLIAMS RALPH JAMES TR EST  
6007 HIGGINS AVE  
FORT MYERS, FL 33905

18-46-25-00-00025.0020  
RAMP ELLA C  
PO BOX 1449  
CHESAPEAKE BEACH, MD 20732

18-46-25-00-00020.0000  
RUFFINO STEPHEN A + CAROL A  
18446 PIONEER RD  
FORT MYERS, FL 33908

18-46-25-00-00020.003A  
GREGG RALPH + ANA C  
18400 PIONEER RD  
FORT MYERS, FL 33908

18-46-25-00-00020.0040  
ANDERSON DANIEL L + MARY  
18387 PIONEER RD  
FORT MYERS, FL 33908

18-46-25-00-00020.010A  
TOKARZ STEVE H  
17525 PHLOX DR  
FORT MYERS, FL 33912

18-46-25-00-00020.0130  
COOPER CHARLES + SANDRA S  
18481 PIONEER RD  
FORT MYERS, FL 33908

18-46-25-00-00021.0000  
BOSECKER AMY K +  
18430 PIONEER RD  
FORT MYERS, FL 33908

18-46-25-00-00022.0000  
BUSTO ANTHONY ALVARO  
1651 HERMITAGE RD  
FORT MYERS, FL 33919

18-46-25-00-00023.0000  
WILLIAMS RALPH TR  
18476 PIONEER RD  
FORT MYERS, FL 33908

18-46-25-00-00025.0010  
SIMPSON ARTHUR C + DIANA M  
18430 CREEK DR  
FORT MYERS, FL 33908

18-46-25-00-00026.0000  
CONNER EDWARD L  
18480 CREEK DR  
FORT MYERS, FL 33908

18-46-25-00-00026.0030  
SWANSON ROGER V + EVELYN A  
18011 S TAMIAMI TRL STE 16  
PMB-93  
FORT MYERS, FL 33908

18-46-25-00-00028.0000  
RANDALL GARY L + THERESA W  
18461 CREEK DR  
FORT MYERS, FL 33908

18-46-25-00-00028.0020  
STRATZ MARCUS G + SUSAN E  
18371 CREEK DR  
FORT MYERS, FL 33908

18-46-25-00-00029.0010  
TINER JAMES E TR 1/2 INT +  
18191 CREEK DR  
FORT MYERS, FL 33908

18-46-25-00-00029.0030  
GOOD WILLIAM D  
18325 CREEK DR  
FORT MYERS, FL 33908

18-46-25-00-00033.0040  
TINER JAMES E TR 1/2 INT +  
18191 CREEK DR  
FORT MYERS, FL 33908

18-46-25-00-00027.0000  
DUNCAN SANDRA  
17365 DUMONT  
FORT MYERS, FL 33912

18-46-25-00-00028.0010  
SENS GUY  
18381 CREEK DR  
FORT MYERS, FL 33908

18-46-25-00-00029.0000  
BENN BOBBY L + ROSE MARIE R  
18445 CREEK DR  
FORT MYERS, FL 33908

18-46-25-00-00029.0020  
COOPER CHARLES M +  
3630 SHAW BLVD UNIT 7  
NAPLES, FL 34117

18-46-25-00-00030.00CE  
SHADOW WOOD PRESERVE COMM ASSN  
9990 COCONUT RD STE 200  
BONITA SPRINGS, FL 34135

18-46-25-17-000GC.0010  
LONG BAY PARTNERS LLC  
9990 COCONUT RD STE 202  
BONITA SPRINGS, FL 34135

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Jerry Murphy  
Town of Fort Myers Beach  
2523 Estero Boulevard  
Fort Myers Beach, FL 33931

Mr. Gary Muller  
1482 Argyle Drive  
Ft. Myers, Florida 33919



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APPLICATION FOR REQUEST FOR CONTINUANCE  
DEFERRAL, WITHDRAWAL, OR REHEARING

REQUEST FOR: (refer to back page for special notes)

CONTINUANCE DEFERRAL X WITHDRAWAL  
REHEARING WITHDRAWAL OF ADMINISTRATIVE APPEAL

RECEIVED  
JUL 10 2008  
C.F.A.  
COMMUNITY DEVELOPMENT

If a DEFERRAL OR CONTINUANCE is requested, please indicate:

Length of time \_\_\_\_\_

From: \_\_\_\_\_ Hearing Examiner \_\_\_\_\_ BOCC (must be submitted 5 calendar days prior to hearing)

- 1. Date of Scheduled Hearing: N/A
- 2. Applicant/Project Name: Hidden Harbor Marina Venture, LLC/ Villas at Hidden Harbor Marina
- 3. Tracking/Hearing/Application Number: DCI2006-00089
- 4. Date Decision Rendered: N/A
- 5. Type of Application - Check  
X Rezoning \_\_\_\_\_ Special Exception \_\_\_\_\_ Variance \_\_\_\_\_ Other - Bonus Density

6. Reason for request (If rehearing is requested, See Special Notes on Back):

Applicant decided not to move forward with the project.

*[Signature]*  
Signature of applicant or authorized agent

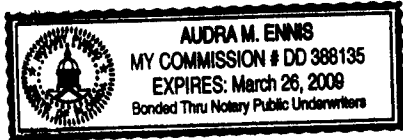
7/10/08  
Date

Gary F. Muller  
Name (typed or printed legibly)

1482 Argyle Drive Fort Myers, FL 33919  
Address

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 10th day of July 2008 by Gary F. Muller who is personally known to me or who produced \_\_\_\_\_ as identification.



*[Signature]*  
Signature of Notary Public  
AUDRA M. ENNIS  
Printed Name of Notary Public

FEE \$ \_\_\_\_\_ RECEIPT NUMBER: \_\_\_\_\_  
DATE PAID: \_\_\_\_\_ INTAKE BY: \_\_\_\_\_

DWG. NO. 0407

# MASTER CONCEPT PLAN VILLAS AT HIDDEN HARBOR MARINA

SEC. 18, TWP. 48S, RGE. 20E  
LEE COUNTY, FLORIDA

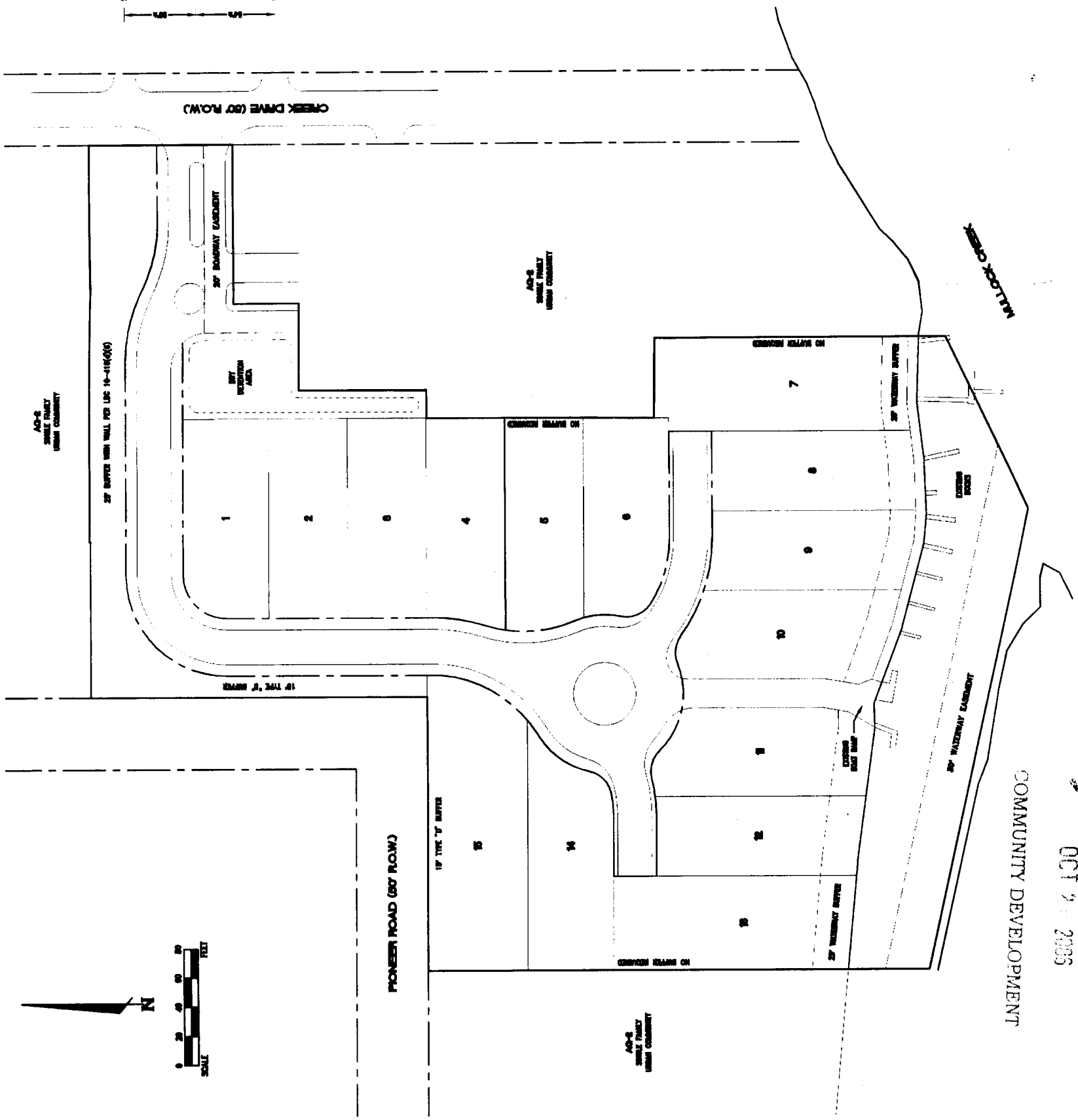


GARY F. MULLER, AICP  
1482 AROYAL DRIVE • FT. WALKER, FLORIDA 32919 • (239) 928-0111

FILE #	0407MCP
DATE	10/06
SCALE	NOTED
DESIGN	PLAN
CHECK	PLAN

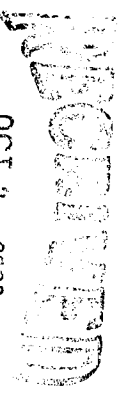
EXHIBIT D-7-M

**SITE DATA**  
 TOTAL SITE AREA: 5.31 ACRES  
 SUMMERED LANDS: 0.84 ACRES  
 NET SITE AREA: 4.67 ACRES  
 DWELLING UNITS: 15 UNITS  
 NET PROJECT DENSITY: 3.2 DU/AC  
 MAXIMUM BUILDING HEIGHT: 45'-0" MAX  
 EXISTING LAND USE: URBAN COMMUNITY



COMMUNITY DEVELOPMENT

OCT 2 2005



DCI 2006-00089

MASTER CONCEPT PLAN  
VILLAS AT HIDDEN  
HARBOR MARINA

SEC 18, TWP 46S, RGE 25E.  
LEE COUNTY, FLORIDA

**GFM**  
GARY F. MULLER, AICP  
1482 AROYLE DRIVE • FT. WATERS, FLORIDA 33819 • (239) 938-0111

FILE #	0407RMP2
DATE	02/07
SCALE	NOTED
DESIGN	GFM
DRAWN	GFM
CHECK	GFM

EXHIBIT D-7-M

DWG. NO.  
**0407**

DCI 2006-00089

**RECEIVED**  
MAR 05 2007

COMMUNITY DEVELOPMENT

**SITE DATA**  
TOTAL SITE AREA: 5.31 ACRES  
SUBMERGED LANDS: 0.64 ACRES  
NET SITE AREA: 4.67 ACRES  
DWELLING UNITS: 15 UNITS  
DENSITY: 3.2 UNITS/AC  
MAXIMUM BUILDING HEIGHT: 35 FEET  
MAXIMUM LOT COVERAGE: 45 PERCENT  
EXISTING LAND USE: URBAN COMMUNITY

